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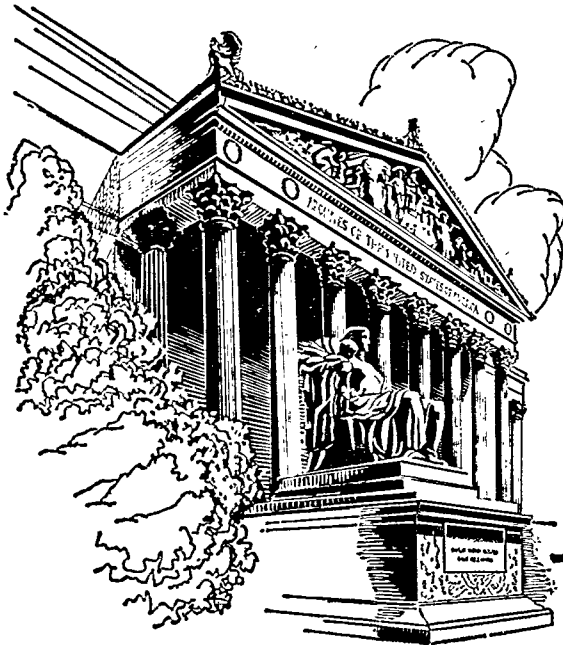
Thursday, July 30, 1970 • Washington, D.C.

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Presidential Proclamations and Executive Orders

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Title 3—THE PRESIDENT

Executive Order 11549

REVOKING EXECUTIVE ORDER NO. 10361 OF JUNE 11, 1952, ESTABLISHING THE WHITTIER DEFENSIVE SEA AREA, ALASKA

By virtue of the authority vested in me by Section 2152 of Title 18, United States Code, and as President of the United States, Executive Order No. 10361¹ of June 11, 1952, establishing the Whittier Defensive Sea Area, Alaska, is hereby revoked.



THE WHITE HOUSE,
July 28, 1970.

[F.R. Doc. 70-9928; Filed, July 28, 1970; 4:04 p.m.]

¹ 17 F.R. 5357; 3 CFR, 1949-1953 Comp., p. 878.

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 718—DETERMINATION OF ACREAGE AND COMPLIANCE

Correction

In F.R. Doc. 70-9208, appearing at page 11560 of the issue for Saturday, July 18, 1970, the following changes should be made:

1. In the table under § 718.4 on page 11561 in the last column headed "Sec. 718.11 remeasurement refund", the entry for Idaho should be deleted and "0.1 acre for tobacco" should be inserted in the line for Indiana.

2. In the fifth line of § 718.6(e) (1) reading "sion (i) and (ii) of this subparagraph", the word "and" should be change to "or".

3. In the fifth line of the introductory text of § 718.7, the word "country" should read "county".

4. In the last line of § 718.8(g) (1), the word "thousands" should read "thousandths".

5. In § 718.14, paragraph (3) under the state of Kansas should read:

(3) *Corn and grain sorghums—August 5. All counties.*

6. In § 718.14 under Texas, the county in (2) (ii) reading "Arkansas" should read "Aransas" and in (3) (ii) the last county listed reading "Zavalia" should read "Zavala".

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Regulation 815.11, Amdt. 1]

PART 815—ALLOTMENT OF THE DIRECT-CONSUMPTION PORTION OF MAINLAND SUGAR QUOTA FOR PUERTO RICO

1970

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (hereinafter called the Act) for the purpose of amending Sugar Regulation 815.11 (35 F.R. 174), which established allotments of the direct-consumption portion of the 1970 mainland quota for Puerto Rico.

This amendment of S.R. 815.11 is necessary (1) to substitute in the allotment

formula final 1969 data on entries of direct-consumption sugar for estimates of such quantities, (2) to give effect to the direct-consumption portion of the 1970 mainland quota for Puerto Rico amounting to 174,000 short tons, raw value, as established in S.R. 811, Amendment 6 (35 F.R. 11163) for 1970, and (3) to allot the entire direct-consumption portion of the 1970 quota. Previous 1970

allotments were limited to 90 percent of the direct-consumption portion of the quota in effect on January 1, 1970.

The substitution of final data for estimates of 1969 direct-consumption entries in finding (7) results in the 1965-69 average annual marketings and 1965-69 highest annual marketings as follows, which are used herein in determining the allotments:

Processor or refiner	Average annual marketings 1965-69		Highest annual marketings 1965-69	
	Short tons, raw value	Percent of total	Short tons, raw value	Percent of total
	(1)	(2)	(3)	(4)
Aguirre Co.....	6,192	4.0933	6,913	4.1619
Central Roig Refining Co.....	20,309	13.4451	22,508	13.5181
Central San Francisco.....	1,091	.7223	1,344	.8072
Puerto Rican American Sugar Refinery, Inc.....	100,655	66.6364	110,769	66.5267
Western Sugar Refining Co.....	22,804	15.0969	24,969	14.9961
Total.....	151,051	100.0000	166,503	100.0000

Findings heretofore made in the course of this proceeding (35 F.R. 174) provide that this order shall be revised without further notice or hearing for the purposes indicated above and such findings set forth the procedure for the revision of allotments.

Accordingly, allotments are herein established on the basis of and consistent with such findings.

Order. Pursuant to the authority vested in the Secretary of Agriculture by Section 205(a) of the Act, and in accordance with paragraph (c) of § 815.11 of this chapter, it is hereby ordered that paragraph (a) of § 815.11 be amended to read as follows:

§ 815.11 Allotment of the direct-consumption portion of mainland sugar quota for Puerto Rico for the calendar year 1970.

(a) *Allotments.* The direct-consumption portion of the 1970 mainland sugar quota for Puerto Rico, amounting to 174,000 short tons, raw value, is hereby allotted as follows:

Allottee	Direct-consumption allotment (short tons; raw value)
Aguirre Co.....	7,178
Central Roig Refining Co.....	23,455
Central San Francisco.....	1,331
Puerto Rican American Sugar Refinery, Inc.....	115,838
Western Sugar Refining Co.....	26,178
Liquid sugar reserve for persons other than named above.....	20
Total	174,000

(Secs. 205, 209, 403; 61 Stat. 926 as amended, 928 as amended, 932; 7 U.S.C. 1115, 1119, 1153)

Effective date. Allotments established in this order for all allottees are larger than the allotments established in S.R. 815.11 (35 F.R. 174). To afford adequate

opportunity to plan and to market the additional quantities of sugar in an orderly manner, it is imperative that this amendment becomes effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement in 5 U.S.C. 553 is impracticable and contrary to the public interest and, consequently, the amendment made herein shall become effective when published in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 23, 1970.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 70-9798; Filed, July 29, 1970; 8:46 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 324]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.624 Valencia Orange Regulation 324.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the

Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 28, 1970.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period July 31, 1970, through August 6, 1970, are hereby fixed as follows:

- (i) District 1: 253,000 cartons;
- (ii) District 2: 297,000 cartons;
- (iii) District 3: 20,201 cartons.

(2) As used in this section, "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: July 29, 1970.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Consumer and Mar-
keting Service.

[F.R. Doc. 70-9971; Filed, July 29, 1970;
11:16 a.m.]

PART 947—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Termination of Regulation

Findings. (a) Pursuant to Marketing Agreement No. 114 and Order No. 947, both as amended (7 CFR Part 947), regulating the handling of Irish potatoes grown in the production area defined therein, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of information available, it is hereby found that this regulation has been superseded by a new regulation, § 947.329 (35 F.R. 11013); and, therefore, it is no longer necessary.

(b) It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, and engage in public rule making procedure, and that good cause exists for not postponing the effective date of this termination until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the provisions of § 947.328 were replaced by a similar regulation, § 947.329, and (2) this termination does not impose any restrictions on the handling of production area potatoes.

Termination of regulation. The provisions of § 947.328 (34 F.R. 11136, 17161, 18171; 35 F.R. 2766, 4253, 5107) are hereby terminated.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated July 27, 1970, to become effective upon signature.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Consumer and Mar-
keting Service.

[F.R. Doc. 70-9853; Filed, July 29, 1970;
8:50 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1970 Crop Barley Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1970 Crop Barley Loan and Purchase Program

Correction

In F.R. Doc. 70-8809 appearing at page 11168 in the issue for Saturday, July 11, 1970, the following changes should be made:

1. In § 1421.74(a) the deduction for grains stored prior to May 16, 1970, now reading "23", should read "13".

2. In § 1421.76(a) the entry for "Lemli" under Idaho should read "Lemhi" and the entry for "Putman" under Indiana should read "Putnam".

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, in paragraph (e) (14) relating to the State of Virginia, subdivision (vii) relating to Surry, Isle of Wight, Southampton, and Sussex Counties is amended to read:

(e) * * *

(14) *Virginia.* * * *

(vii) The adjacent portions of Isle of Wight and Southampton Counties bounded by a line beginning at the junction of Secondary Highway 626 and the Isle of Wight-Surry County line; thence, following Secondary Highway 626 in a generally southeasterly direction to Secondary Highway 621; thence, following Secondary Highway 621 in a southwesterly directly to Secondary Highway 680; thence, following Secondary Highway 680 in a generally southwesterly direction to Highway 681; thence, following Secondary Highway 681 in a southerly direction to Secondary Highway 652; thence, following Secondary Highway 652 in a southeasterly direction to U.S. Highway 258; thence, following U.S. Highway 258 in a generally southwesterly direction to Secondary Highway 605; thence, following Secondary Highway 605 in a southeasterly direction to the Isle of Wight-Nansemond County line; thence, following the Isle of Wight-Nansemond County line in a southwesterly direction to U.S. Highway 460; thence, following U.S. Highway 460 in a northwesterly direction to Secondary Highway 610; thence, following Secondary Highway 610 in a generally southerly direction to Secondary Highway 687; thence, following Secondary Highway 687 in a southwesterly direction to Secondary Highway 611; thence, following Secondary Highway 611 in a generally westerly direction to Secondary Highway 641; thence, following Secondary Highway 641 in a generally northeasterly direction to Secondary Highway 603; thence, following Secondary Highway 603 in a generally southwesterly direction to Secondary Highway 635; thence, following Secondary Highway 635 in a northeasterly direction to

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 40—LICENSING OF SOURCE MATERIAL

PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES UNDER SECTION 274

Source Material Reports

On September 12, 1969, the Atomic Energy Commission published in the FEDERAL REGISTER (34 F.R. 14333) proposed amendments to its regulations, 10 CFR Part 40, "Licensing of Source Material," and 10 CFR Part 150, "Exemptions and Continued Regulatory Authority in Agreement States Under Section 274," which would require certain AEC and Agreement State licensees to submit reports concerning transfers, inventory, and thefts of source material.

All interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendments within 60 days after publication of the notice of proposed rule making in the FEDERAL REGISTER. Upon consideration of the material submitted in response to the notice of proposed rule making, and other factors involved, the Commission has adopted the amendments set forth below.

The only substantive change from the amendments published for comment is the inclusion of exemptions from the source material reporting requirements for magnesium-thorium and tungsten-thorium alloys containing 4 percent or less of thorium; chemical catalysts containing not more than 15 percent uranium by weight, in which the uranium has been depleted to 0.4 percent or less of ^{235}U ; and exports of certain unimportant quantities of source material. To the extent that persons receive, possess, use, transfer, deliver, or import unimportant quantities of source material exempt from licensing requirements under § 40.13 of Part 40, they would not be subject to the reporting requirements set out below by the operation of § 40.13.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments of Title 10, Chapter I, Code of Federal Regulations, Parts 40 and 150, are published as a document subject to codification, to be effective thirty (30) days after publication in the FEDERAL REGISTER.

1. The undesignated centerhead preceding § 40.61 of 10 CFR Part 40 is amended to read as follows:

RECORDS, REPORTS, AND INSPECTIONS

2. A new § 40.64 is added to 10 CFR Part 40 to read as follows:

§ 40.64 Reports.

(a) Except as specified in paragraph (d) of this section, and except for exports of unimportant quantities of source material specified in § 40.13 (b), (c), and

(d), each licensee who transfers, receives, imports or exports at any one time 1,000 kilograms or more of uranium or thorium, or any combination thereof, shall complete and distribute a Nuclear Material Transfer Report on Form AEC-741, in accordance with the printed instructions for completing the form. Each licensee who transfers or exports such material shall submit a completed copy of Form AEC-741 to the Commission and to the receiver of the material promptly after the transfer or export takes place. Each licensee who receives or imports such material shall submit a completed copy of Form AEC-741 to the Commission and to the shipper of the material within ten (10) days after the material is received. The reports shall be submitted to the U.S. Atomic Energy Commission, Post Office Box E, Oak Ridge, Tenn. 37830.

(b) Except as specified in paragraph (d) of this section, each licensee who is authorized to possess at any one time and location more than 1,000 kilograms of uranium or thorium, or any combination thereof, shall submit to the Commission within thirty (30) days after June 30 of each year thereafter, a statement of his source material inventory. The reports shall be submitted to the U.S. Atomic Energy Commission, Post Office Box E, Oak Ridge, Tenn. 37830, and shall include the Reporting Identification Symbol (RIS) assigned by the Commission to the licensee.

(e) Except as specified in paragraph (d) of this section, each licensee who is authorized to possess at any one time and location more than 1,000 kilograms of uranium or thorium, or any combination thereof, shall report promptly to the Director, Division of Nuclear Materials Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545, by telephone, telegram, or teletype any incident in which an attempt has been made or is believed to have been made to commit a theft or unlawful diversion of such material. The initial report shall be followed within a period of fifteen (15) days by a written report submitted to the Director, Division of Nuclear Materials Safeguards, which sets forth the details of the incident and its consequences. Subsequent to the submission of the written report required by this paragraph, a licensee shall promptly inform the Division of Nuclear Materials Safeguards by means of a written report of any substantive additional information, which becomes available to the licensee, concerning an attempted or apparent theft or unlawful diversion of source material.

(d) The reports described in paragraphs (a), (b), and (c) of this section are not required for:

(1) Processed ores containing less than five (5) percent of uranium or thorium, or any combination thereof, by dry weight;

(2) Thorium contained in magnesium-thorium and tungsten-thorium alloys,

¹ Effective date of this amendment.

Secondary Highway 600; thence, following Secondary Highway 600 in a northwesterly direction to Secondary Highway 623; thence, following Secondary Highway 623 in a southwesterly direction to Secondary Highway 626; thence, following Secondary Highway 626 in a generally northwesterly direction to Secondary Highway 631; thence, following Secondary Highway 631 in a northerly direction to Secondary Highway 614; thence following Secondary Highway 614 in a generally northeasterly direction to Secondary Highway 605; thence, following Secondary Highway 605 in a northwesterly direction to Secondary Highway 616; thence, following Secondary Highway 616 in a northeasterly direction to Secondary Highway 600; thence, following Secondary Highway 600 in a northwesterly direction to the Southampton-Sussex County line; thence, following the Southampton-Sussex County line in a northeasterly direction to the Southampton-Surry County line; thence, following the Southampton-Surry County line in a northeasterly direction to the Isle of Wight-Surry County line; thence, following the Isle of Wight-Surry County line in a northeasterly direction to its junction with Secondary Highway 626.

(Secs. 4-7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, secs. 1-4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes portions of Surry and Sussex Counties in Virginia from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2. Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the excluded areas.

The amendment relieves certain restrictions presently imposed and must be made effective immediately to be of maximum benefit to affected persons. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 24th day of July 1970.

GEORGE W. IRVING, Jr.,
Administrator,
Agricultural Research Service.

[F.R. Doc. 70-9797; Filed, July 29, 1970; 8:46 a.m.]

provided that the thorium content in the alloys does not exceed 4 percent by weight; or

(3) Chemical catalysts containing uranium depleted in the U^{235} isotope to 0.4 percent or less, provided that the uranium content of the catalyst does not exceed 15 percent by weight.

(Secs. 65, 161b, 68 Stat. 933, 948; 42 U.S.C. 2095, 2201(b))

3. Section 150.10 of 10 CFR Part 150 is amended to read as follows:

§ 150.10 Persons exempt.

Except as provided in §§ 150.15, 150.16, and 150.17, any person in an Agreement State who manufactures, produces, receives, possesses, uses, or transfers by-product material, source material, or special nuclear material in quantities not sufficient to form a critical mass is exempt from the requirements for a license contained in Chapters 6, 7, and 8 of the Act, regulations of the Commission imposing licensing requirements upon persons who manufacture, produce, receive, possess, use, or transfer such materials, and from regulations of the Commission applicable to licensees. The exemptions in this section do not apply to agencies of the Federal Government as defined in § 150.3.

4. A new § 150.17 is added to 10 CFR Part 150 to read as follows:

§ 150.17 Submission to Commission of source material reports.

(a) Except as specified in paragraph (d) of this section, each person who, pursuant to an Agreement State license, transfers or receives at any one time 1,000 kilograms or more of uranium or thorium, or any combination thereof, or who imports such material pursuant to § 40.24 of this chapter, shall complete and distribute a Nuclear Material Transfer Report on Form AEC-741, in accordance with the printed instructions for completing the form. Each person who transfers such material shall submit a completed copy of Form AEC-741 to the Commission and a completed copy to the receiver of the material promptly after the transfer takes place. Each person who receives or imports such material shall submit a completed copy of Form AEC-741 to the Commission and the shipper of the material within ten (10) days after the material is received. The reports shall be submitted to the U.S. Atomic Energy Commission, Post Office Box E, Oak Ridge, Tenn. 37830.

(b) Except as specified in paragraph (d) of this section, each person who is authorized to possess at any one time and location, pursuant to an Agreement State license, more than 1,000 kilograms of uranium or thorium, or any combination thereof, shall submit to the Commission within thirty (30) days after _____¹ and within thirty (30) days after June 30 of each year thereafter, a statement of his source material inventory. The reports shall be submitted to the U.S. Atomic Energy Commission,

Post Office Box E, Oak Ridge, Tenn. 37830, and shall include the Reporting Identification Symbol (RIS) assigned by the Commission to such person.

(c) Except as specified in paragraph (d) of this section, each person who is authorized to possess at any one time and location, pursuant to an Agreement State license, more than 1,000 kilograms uranium or thorium, or any combination thereof, shall report promptly to the Director, Division of Nuclear Materials Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545, by telephone, telegram, or teletype any incident in which an attempt has been made or is believed to have been made to commit a theft or unlawful diversion of such material. The initial report shall be followed within a period of fifteen (15) days by a written report submitted to the Director, Division of Nuclear Materials Safeguards, which sets forth the details of the incident and its consequences. Subsequent to the submission of the written report required by this paragraph, each person subject to the provisions of this paragraph, shall promptly inform the Division of Nuclear Materials Safeguards by means of a written report of any substantive additional information, which becomes available to such person, concerning an attempted or apparent theft or unlawful diversion of source material.

(d) The reports described in paragraphs (a), (b), and (c) of this section are not required for

(1) Processed ores containing less than five (5) percent of uranium or thorium, or any combination thereof, by dry weight;

(2) Thorium contained in magnesium-thorium and tungsten-thorium alloys, provided that the thorium content in the alloys does not exceed 4 percent by weight; or

(3) Chemical catalysts containing uranium depleted in U^{235} isotope to 0.4 percent or less, provided that the uranium content of the catalyst does not exceed 15 percent by weight.

(Secs. 161b, 274m, 68 Stat. 948, 73 Stat. 688; 42 U.S.C. 2201(b), 2021(m))

Dated at Washington, D.C., this 21st day of July 1970.

For the Atomic Energy Commission.

F. T. HOBBS,
Acting Secretary.

[F.R. Doc. 70-9800; Filed, July 29, 1970; 8:46 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 1—INVESTMENT SECURITIES REGULATION

Securities Eligible for Underwriting and Unlimited Holding

Sec.
1.261 Los Angeles County-Pico Rivera Public Facilities Authority.

Sec.

- 1.262 Los Angeles County-Norwalk Sheriff's Station Authority.
- 1.263 San Bernardino Public Safety Authority.
- 1.264 Parking Authority of the City of Redondo Beach.
- 1.265 San Bernardino Civic Center Authority.

AUTHORITY: §§ 1.261-1.265 issued under R.S. 324 et seq., as amended, paragraph Seventh of R.S. 5136, as amended; 12 U.S.C. 1 et seq., 24(7), unless otherwise noted.

§ 1.261 Los Angeles County-Pico Rivera Public Facilities Authority.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the \$450,000 Los Angeles County-Pico Rivera Public Facilities Authority Revenue Bonds for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Los Angeles County-Pico Rivera Public Facilities Authority is a public entity created under the laws of California by an agreement between the City of Pico Rivera and the County of Los Angeles. Under this agreement, the Authority is authorized to acquire, construct, maintain, operate and lease public safety, public health, recreational, and service facilities to be leased to and operated by the County, and to issue bonds to finance such projects. The Authority is issuing these bonds to finance the construction of the Pico Rivera Public Health Building.

(2) The County has unconditionally promised in the lease rental agreement to pay annual rentals to the Authority in an amount sufficient to meet annual interest and principal payments on these bonds as well as other necessary expenses. The County which possesses general powers of taxation has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the \$450,000 Los Angeles County-Pico Rivera Public Facilities Authority Revenue Bonds are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting and unlimited holding by national banks. (Acting Comptroller's letter dated May 15, 1970.)

§ 1.262 Los Angeles County-Norwalk Sheriff's Station Authority.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the \$1,750,000 Los Angeles County-Norwalk Sheriff's Station Authority Revenue Bonds for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Los Angeles County-Norwalk Sheriff's Station Authority is a public entity created under the laws of California by an agreement between the City of Norwalk and the County of Los Angeles. Under this agreement the Authority is authorized to acquire, construct, maintain, operate and lease public safety facilities to be leased to and operated by the County and to issue bonds to finance such projects. The

¹ Effective date of this amendment.

Authority is issuing these bonds to finance a Sheriff's Station and related facilities in the Norwalk Civic Center.

(2) The County has unconditionally promised in the lease rental agreement to pay annual rentals to the Authority in an amount sufficient to meet annual interest and principal payments on these bonds as well as other necessary expenses. The County which possesses general powers of taxation has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the \$1,750,000 Los Angeles County-Norwalk Sheriff's Station Authority Revenue Bonds are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting and unlimited holding by national banks. (Acting Comptroller's letter dated May 18, 1970.)

§ 1.263 San Bernardino Public Safety Authority.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the \$7,500,000 San Bernardino Public Safety Authority Revenue Bonds for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The San Bernardino Public Safety Authority is a public entity created under the laws of California by an agreement between the City of San Bernardino and the County of San Bernardino. Under this agreement, the Authority is authorized to acquire, construct, maintain, operate and lease sanitary sewer facilities to be leased to and operated by the City, and to issue bonds to finance such projects. The Authority is issuing these bonds to finance the construction of a sewage treatment plant.

(2) The City has unconditionally promised in the lease rental agreement to pay annual rentals to the Authority in an amount sufficient to meet annual interest and principal payments on these bonds as well as other necessary expenses. The City which possesses general powers of taxation has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the \$7,500,000 San Bernardino Public Safety Authority Revenue Bonds are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting and unlimited holding by national banks. (Comptroller's letter dated June 29, 1970.)

§ 1.264 Parking authority of the City of Redondo Beach.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the \$11,880,000 Revenue Bonds of the Parking Authority of the City of Redondo Beach for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Parking Authority of the City of Redondo Beach is a public body corporate and politic created by the laws of California but authorized to function only upon a finding of need. The City Council of the City of Redondo Beach has made the appropriate finding and, in accordance with the law, has declared itself to be the Parking Authority. Under the law a parking authority is authorized to issue revenue bonds to finance public parking facilities and may issue such bonds without obtaining the approval of the electors of the city where the bonds are issued to finance a project which is to be leased to the city and where the principal of and interest on the bonds are to be payable from rentals paid by the city under such lease. The Authority is issuing these bonds to finance the acquisition and construction of a parking structure which will be leased to the City.

(2) Under the lease rental agreement the City has unconditionally promised to pay annual rentals to the Authority in an amount sufficient to meet annual interest and principal payments on these bonds as well as other necessary expenses. The City expects that funds may be available for the payment of its lease rental obligation from three specific sources: parking revenues, rentals from a commercial village to be developed on the top of the parking structure, and tax increment payments which the Redevelopment Agency for the City has agreed to make to the City of the benefits derived from the parking structure by the redevelopment project. The obligation of the City to pay the rentals is, however, a general obligation and is not limited to payment from a specific source. The City which possesses general powers of taxation has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the \$11,880,000 Revenue Bonds of the Parking Authority of the City of Redondo Beach are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and, accordingly, are eligible for purchase, dealing in, underwriting and unlimited holding by national banks. (Comptroller's letter dated July 21, 1970.)

§ 1.265 San Bernardino Civic Center Authority.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the \$6 million San Bernardino Civic Center Authority City Hall and Exhibit Hall Bonds for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The San Bernardino Civic Center Authority is a public entity created under the laws of California by an agreement between the City of San Bernardino, the County of San Bernardino and the Redevelopment Agency of the City of San Bernardino. Under this agreement the Authority is authorized to acquire sites, construct, maintain, operate and lease public buildings and related facilities for public purposes and to is-

sue bonds to finance such projects. The Authority is issuing these bonds to finance the construction of a City Hall and Exhibit Hall which will be leased to and operated by the City.

(2) The City, as required by its agreement with the County and the Agency, has unconditionally promised in the lease rental agreement to pay annual rentals to the Authority in an amount sufficient to meet annual interest and principal payments on these bonds as well as other necessary expenses. The City which possesses general powers of taxation has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the \$6 million San Bernardino Civic Center Authority City Hall and Exhibit Hall Bonds are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting and unlimited holding by national banks. (Comptroller's letter dated July 22, 1970.)

Dated: July 27, 1970.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[F.R. Doc. 70-9858; Filed, July 29, 1970; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 70-WE-27-AD; Amdt. 39-1051]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 747-100 Series Airplanes

There has been an incident involving the steering system on 747-100 series airplanes in which the nose gear steering metering valve failed to return to neutral, thereby causing unwanted nose and body steering during airplane takeoff roll. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to prescribe special surveillance by the pilot and testing and modification of the nose gear steering metering valve on Boeing Model 747-100 airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

Boeing. Applies to 747-100 series airplanes which incorporate 60B00210-1 nose gear steering metering valve assembly.

Compliance required as indicated.

To prevent unsafe conditions resulting from malfunction of the ground steering system and to eliminate causes for such malfunction, accomplish the following:

a. Within 10 hours' time in service after the effective date of this AD, unless already accomplished, either (1) establish and maintain pilot surveillance over landing gear steering inputs through an FAA-approved training program established by an operator which follows the recommendations in Boeing Flight Crew Training Bulletin No. 70-20, dated July 14, 1970, or (2) follow an equivalent pilot surveillance procedure approved by the Chief, Aircraft Engineering Division, FAA Western Region, or (3) install a placard with the following wording in clear view of the captain and first officer:

Be alert for any unscheduled steering inputs during takeoff and landing as indicated by unusual directional control problems or a chattering nose gear due to tire scrubbing. Take immediate positive action with the steering tiller to correct any suspected steering problems. Under no circumstances are circuit breakers to be pulled to deactivate steering or aural warning systems.

b. Retain the placard or continue to employ the equivalent pilot surveillance procedure per a., above, until the airplane is modified per g., below.

c. Within the next 25 hours' time in service after the effective date of this AD, unless already accomplished:

(1) Test the inherent centering capability of the nose gear steering metering valve in the manner described by Boeing Alert Service Bulletin No. 32-2041.

(2) Test the inherent nose gear centering capability provided by the tiller system, in the manner also described by Boeing Alert Service Bulletin No. 32-2041.

d. Replace any nose gear steering metering valve prior to further flight if both of the test requirements of c(1) and c(2), above, are not passed, with valve P/N 60B00210-2 or with another valve P/N 60B00210-1 which has been tested and found to pass those test requirements.

e. Inspect and correct any tiller steering system prior to further flight when the nose gear steering metering valve passes the test requirement of c(1), above, but does not pass the test requirements of c(2), above, in accordance with established B-747 maintenance procedures.

f. A nose gear steering metering valve which does not pass the test requirements of c(1) but passes the test requirements of c(2) may be continued in service for a period not to exceed 300 hours after the effective date of this AD, provided the test prescribed by c(2) is repeated at intervals not to exceed 25 hours' time in service and the tiller system is corrected as necessary to assure continued satisfactory tiller centering action.

g. Within the next 600 hours' time in service after the effective date of this AD, unless already accomplished, replace the nose gear steering metering valve, P/N 60B00210-1, with nose gear steering metering valve, P/N 60B00210-2, or with another valve approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective July 30, 1970.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

The manufacturer's specifications and procedures identified and described in

this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a) (1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to The Boeing Co., Seattle, Wash. 98124. These documents may also be examined at FAA Western Region headquarters, 5651 West Manchester Avenue, Los Angeles, Calif., and at FAA headquarters, 800 Independence Avenue SW., Washington, D.C. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at FAA Western Region headquarters.

Issued in Los Angeles, Calif., on July 20, 1970.

JAMES V. NIELSEN,
Acting Director,
FAA Western Region.

The incorporation by reference provisions in this document were approved by the Director of the Federal Register on July 29, 1970.

[F.R. Doc. 70-9831; Filed, July 29, 1970; 8:49 a.m.]

[Docket No. 70-EA-61; Amdt. 39-1044]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Piper PA-30 type airplanes.

There had been a report of excessive vibration in the empennage which could result in damage or failure of the stabilator. Since this condition was likely to exist or develop in other airplanes of the same type design, an airmail distribution was made of the following airworthiness directive to all registered owners of PA-30s which required reduction of the maximum speed of the aircraft to 230 m.p.h. calibrated air speed.

Since the foregoing situation existed, notice and public procedure thereon were impractical and good cause existed for making the airworthiness directive effective upon receipt of the airmail notice. These conditions still exist and the airworthiness directive is herewith published in the FEDERAL REGISTER as follows:

PIPER AIRCRAFT. Applies to Piper PA-30 type airplanes, Serial Nos. 30-1 through 30-852 and 30-854 through 30-901, certificated in all categories.

Before further flight, attach the following operating limitation placard to the airspeed indicator in full view of the pilot: "Do Not Exceed 230 m.p.h. CAS."

This amendment is effective August 4, 1970, and was effective for all recipients of the airmail notice, dated July 2, 1970, which contained this amendment.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on July 13, 1970.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 70-9830; Filed, July 29, 1970; 8:49 a.m.]

[Airspace Docket No. 69-WA-61]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration and Revocation of Federal Airways, and Revocation and Designation of Reporting Points

On April 28, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 6713) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter and revoke several Federal airways in Alaska and revoke and designate several Alaskan low altitude reporting points.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

Subsequent to the issuance of the notice, it was noted that R-1 could be revoked in its entirety and B-79 extended and realigned to take its place thereby eliminating the number of colored Federal airways in Alaska. Since this action is editorial in nature and no substantive change in airspace is effected, action is taken herein to show this change.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 17, 1970, as hereinafter set forth.

1. Section 71.105 (35 F.R. 2006) is amended as follows:

a. In A-1 all preceding the phrase "31 miles, 50 miles, 48 MSL," is deleted and the phrase "From Sandspit, British Columbia, Canada, RR; Sitka, Alaska, RR;" is substituted therefor.

b. In A-2 all between "Big Delta, Alaska, RR;" and "Bettles, Alaska" is deleted and the phrase "Fairbanks, Alaska, RR;" is substituted therefor.

c. In A-15 all between "Big Delta, Alaska, RR;" and "Chandalar Lake, Alaska" is deleted and the phrase "Fairbanks, Alaska, RR;" is substituted therefor.

2. Section 71.107 (35 F.R. 2007) is amended as follows:

a. R-1 is revoked.

b. R-27 is redescribed as follows:

R-27 From Summit, Alaska, RR; Nenana, Alaska, RR; Fairbanks, Alaska, RR.

c. R-41 is revoked.

d. R-64 is revoked.

e. In R-103 all preceding the phrase "INT southeast course Kenai RR" is deleted and the phrase "From Kenai, Alaska, RR;" is substituted therefor.

3. Section 71.109 (35 F.R. 2007) is amended as follows:

- a. B-2 is revoked.
- b. In B-38 all after the phrase "Petersburg, Alaska, RR;" is deleted and the phrase "Sisters Island, Alaska, RBN; Haines, Alaska, RBN; Whitehorse, Yukon Territory, Canada, RR. The airspace within Canada is excluded." is substituted therefor.
- c. B-43 is revoked.
- d. B-79 is redescribed as follows:

B-79 From Sandspit, British Columbia, Canada, RR; Annette Island, Alaska, RR; 42 miles, 99 miles 55 MSL, Sitka, Alaska, RR; Sisters Island, Alaska, RBN; Cape Spencer, Alaska, RBN; INT Cape Spencer, RBN, 273° and Yakutat, Alaska, RR, Southeast course. The airspace in Canada is excluded.

4. Section 71.211 (35 F.R. 2305) Alaska low altitude reporting points is amended as follows:

- a. Dixon INT is revoked.
- b. Yakobi INT is revoked.
- c. The following reporting points are added:
 1. Harbor Point INT: INT 273° bearing Cape Spencer, Alaska, RBN, southwest course Yakutat, Alaska, RR.
 2. Hazy Island INT: INT 127° bearing Sitka, Alaska, RR, southwest course Petersburg, Alaska, RR.
 3. Muzon LF INT: INT 331° bearing Sandspit, British Columbia, Canada, RR, southwest course Annette Island, Alaska, RR.
- d. The Port Alexander INT is redescribed as follows:

Port Alexander INT: INT 148° bearing Sitka, Alaska, RR, southwest course Petersburg, Alaska, RR.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on July 21, 1970.

H. B. HELSTROM,
Chief, Airspace and Air
Traffic Rules Division.

[F.R. Doc. 70-9832; Filed, July 29, 1970; 8:49 a.m.]

[Airspace Docket No. 70-CE-10]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 3923 of the FEDERAL REGISTER dated February 28, 1970, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Hastings, Mich.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following changes:

The coordinates recited in the Hastings, Mich., Municipal Airport, transition area designation as "latitude 42°39'45" N., longitude 89°20'45" W." are changed

to read "latitude 42°39'50" N., longitude 85°20'50" W."

This amendment shall be effective 0901 G.m.t., September 17, 1970.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on July 14, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.181 (35 F.R. 2134), the following transition area is added:

HASTINGS, MICH.

That airspace extending upward from 700 feet above the surface within a 6½ mile radius of Hastings Municipal Airport (latitude 42°39'50" N., longitude 85°20'50" W.); and within 2 miles each side of the Grand Rapids, Mich., VOR 141° radial extending from the 6½ mile radius area to the Grand Rapids VOR, excluding the portion which overlies Grand Rapids, Mich. 700-foot floor transition area.

[F.R. Doc. 70-9859; Filed, July 29, 1970; 8:51 a.m.]

[Airspace Docket No. 70-CE-21]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 7186 of the FEDERAL REGISTER dated May 7, 1970, the Federal Aviation Administration published a notice of proposed rule making which would demand § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Mount Pleasant, Iowa.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., September 17, 1970.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on July 14, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.181 (35 F.R. 2134), the following transition area is added:

MOUNT PLEASANT, IOWA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Mount Pleasant Municipal Airport (latitude 40°56'45" N., longitude 91°30'30" W.); and within 3 miles each side of the 140° bearing from Mount Pleasant Municipal Airport extending from the 5-mile radius area to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the 140° and 320° bearings from the Mount Pleasant Municipal Airport, extending from 6 miles northwest to 18½ miles southeast of the

airport; excluding the portion which overlies the Burlington, Iowa, 1,200-foot floor transition area.

[F.R. Doc. 70-9860; Filed, July 29, 1970; 8:51 a.m.]

[Airspace Docket No. 69-CE-53]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 12106 of the FEDERAL REGISTER dated July 18, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Spirit Lake, Iowa.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., September 17, 1970.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on July 14, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.181 (34 F.R. 4637), the following transition area is added:

SPIRIT LAKE, IOWA

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Spirit Lake Municipal Airport (latitude 43°23'05" N., longitude 95°08'10" W.); and within 3 miles each side of the 353° bearing from Spirit Lake Municipal Airport, extending from the 5½-mile radius to 8 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the 353° bearing from Spirit Lake Municipal Airport, extending from the airport to 18½ miles north of the airport.

[F.R. Doc. 70-9861; Filed, July 29, 1970; 8:51 a.m.]

Chapter III—National Transportation Safety Board

[NTSB Reg. OR-1, Amdt. 2]

PART 401—PUBLIC AVAILABILITY OF INFORMATION

Copying Computer Tapes of the Board

The purpose of this amendment is to specify the conditions and establish the charges for obtaining computer tapes of accident data and data processing programs of the National Transportation Safety Board. The use of the term "tapes" in this amendment should not be construed to mean cockpit voice recorder or flight recorder tapes.

Since this regulation is a rule of agency practice and procedure, notice and public procedure hereon are not required. The Board finds that the charges set forth in this amendment are fair and equitable, taking into consideration direct and indirect cost to the Government. The Board also finds that the need for and the public benefits flowing from making the computer tapes immediately available to the public for copying constitute good cause for this amendment to be made effective upon less than 30 days' notice.

Accordingly, the National Transportation Safety Board hereby amends Subpart C—Fees for Special Services, effective as of the date of publication in the FEDERAL REGISTER.

1. In § 401.10, a new paragraph (e) is added as follows:

§ 401.10 Services available.

(e) Copying computer tapes of the Board.

2. Add a new § 401.16a, as follows:

§ 401.16a Copying computer tapes of the Board.

(a) Computer tapes containing public data on aircraft accidents or data processing programs will be provided upon written request to the Chief, Accident Data Branch, Bureau of Aviation Safety. In those instances where a tape contains data which has been withheld from public disclosure by the Board, only the non-administrative portion of the tape will be copied.

(b) Charges for this service are as follows: Providing duplicate data tapes—each reel of tape or fraction thereof, \$40. This fee includes the blank tapes onto which the information will be copied, the computer cost associated with copying the tapes, and costs of mailing the tapes to the requester.

(Secs. 5(k), 6, and 12, 80 Stat. 931, et seq.; sec. 902(f), 72 Stat. 784, as amended by 75 Stat. 466, 76 Stat. 150, 76 Stat. 921, 49 U.S.C. 1472(f), and 1104, as amended, 72 Stat. 797, 49 U.S.C. 1504; and sec. 3, 80 Stat. 250, 5 U.S.C. 552)

By the National Transportation Safety Board.

LOUIS M. THAYER,
Acting Chairman.

JULY 24, 1970.

[F.R. Doc. 70-9833; Filed, July 29, 1970; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 71—SPECIAL 30-DAY LEAVE BASED ON VOLUNTARY TOUR EXTENSIONS IN HOSTILE FIRE AREAS

The Deputy Secretary of Defense approved the following:

- Sec.
71.1 Purpose.
71.2 Applicability and scope.
71.3 Policies and responsibilities.

AUTHORITY: The provisions of this Part are issued under 80 Stat. 1163, 10 U.S.C. 703(b).

§ 71.1 Purpose.

This part establishes Department of Defense uniform policies to assure compliance with Public Law 91-302, "To extend the authority to grant a special 30-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas," enacted July 2, 1970.

§ 71.2 Applicability and scope.

The provisions of this part apply to the Military Departments, and cover all members of the Armed Forces of the United States on active duty.

§ 71.3 Policies and responsibilities.

The Secretaries of the Military Departments will issue uniform implementing regulations consistent with the following:

(a) *General.* (1) Military personnel completing the prescribed tour of twelve (12) months in Vietnam who volunteer and are approved by competent authority for a tour extension in Vietnam of at least six (6) months duration will be authorized a special 30-day leave at any desired location selected by the member, except locations where military personnel are restricted from traveling when in a leave status. The special 30-day leave shall be exclusive of travel time and the tour extension shall be exclusive of both the 30-day special leave and travel time.

(2) These special leave privileges may also be extended to other Southeast Asia assignees who are regularly engaged in operations in a hostile fire area and who extend their assignments in a hostile fire area for a period of at least six (6) months beyond the prescribed 12-month tour.

(3) In a situation where an individual's voluntary extension has been approved, but he is transferred from Vietnam as part of a unit or otherwise at the convenience of the Government prior to:

(i) Serving the full period of his extension, he will be entitled to his special 30-day leave provided:

(a) He has completed or is taking his leave at the time of the transfer of his unit from Vietnam, or

(b) He has completed his prescribed tour of twelve (12) months in Vietnam, and is, in fact, actually serving his extension at the time of the transfer of his unit.

(ii) Completing his prescribed tour of twelve (12) months and prior to departing on his special 30-day leave, the extension will be considered as canceled and the member will no longer be eligible for the special leave.

(4) A member may volunteer to remain in Vietnam after his unit is transferred in order to complete his previously approved extension provided military requirements for unit integrity (see Part

75 of this subchapter) do not override such action.

(b) *Eligibility criteria.* To be eligible for special leave and transportation under this policy, the member must:

(1) Be permanently assigned to an Armed Forces military unit stationed in Vietnam or permanently assigned on a 12-month Southeast Asia unaccompanied tour and regularly engaged in operations in a hostile fire area. (Eligibility for special leave continues for each subsequent voluntary extension of at least six (6) months.)

(2) Agree in writing to serve in a hostile fire area for at least six (6) months (exclusive of special leave and travel time) beyond the normal expiration of his 12-month tour. If the member's term of active service will expire (ETS) prior to completing a normal 12-month tour, the minimum time beyond ETS for which he must agree to extend, in writing, in order to be eligible for special leave and transportation is subject to the restrictions contained in § 71.3(d).

(3) For subsequent extensions and entitlements, agree, in writing, to serve in a hostile fire area for at least six (6) months (exclusive of special leave and travel time) beyond the adjusted tour length resulting from his prior extension.

(4) Reenlist or execute a voluntary extension of his term of service in any instance where he does not have sufficient obligated active duty service remaining to complete the tour extension; and

(5) Be approved for tour extension by competent military authority.

(c) *Administrative instructions.* (1) Round-trip leave transportation will be furnished at Government expense to the leave site selected.

(2) Mode of transportation will be determined in accordance with pertinent regulations, using the most expeditious means available. Military owned or controlled transportation will be used to the maximum extent practicable.

(3) Special leave must be taken in one (1) increment, and may not be charged or credited to leave already accrued or to leave which may accrue.

(4) Special leave shall not commence earlier than ninety (90) days before or later than thirty (30) days after the members' completion of twelve (12) months service in the hostile fire area. Where operational commitments or unusual circumstances preclude leave from being taken, the Secretary of the Military Department, or his designee, may authorize the commencement of leave up to sixty (60) days subsequent to completion of twelve (12) months service in the hostile fire area.

(5) When the member departs on special leave prior to the normal expiration of his tour of duty, the unserved portion of his normal tour will be added to the period of his extension.

(6) Leave rations are authorized for the period of special leave and authorized travel time.

(d) *Restrictions.* Tour extension agreements shall not be approved:

(1) If the member is serving in a temporary duty status;

(2) Where the member has not completed at least six (6) months of the prescribed 12-month tour of duty, ETS notwithstanding;

(3) Where there is no reasonable assurance that the tour extension can actually be served in the hostile fire area;

(4) In any instance where the additional period of service for which the individual volunteers plus the period of his current tour of duty totals less than eighteen (18) months, exclusive of leave and travel time.

MAURICE W. ROCHE,
*Director, Correspondence and
Directives Division, OASD
(Administration).*

[F.R. Doc. 70-9802; Filed, July 29, 1970;
8:46 a.m.]

SUBCHAPTER M—MISCELLANEOUS

PART 239a—DEPARTMENT OF DEFENSE HOUSING REFERRAL PROGRAM

The Deputy Secretary of Defense approved the following policy which has been in effect for about 7 months:

- Sec.
239a.1 Purpose and objectives.
239a.2 Applicability and scope.
239a.3 Policies and responsibilities.
239a.4 Programing, budgeting and financing.

AUTHORITY: The provision of this Part issued under 5 U.S.C. 301.

§ 239a.1 Purpose and objectives.

This Part sets forth Department of Defense policy governing the establishment and operation of Housing Referral Offices to assure that military personnel authorized to reside off-base are quickly, adequately, suitably and economically housed in quarters within reasonable proximity of their duty stations.

§ 239a.2 Applicability and scope.

The provisions of this Part apply to the Military Departments, Defense Agencies, and other DOD activities (hereinafter referred to collectively as "DOD Components") which have military personnel assigned who are authorized to live in the civilian community.

§ 239a.3 Policies and responsibilities.

(a) Heads of the DOD Components will provide for the establishment and operation of Housing Referral Offices at each installation in the United States under their jurisdiction having more than 500 military personnel assigned.

(1) Each Housing Referral Office will offer complete referral services and a full range of personal assistance to all military personnel (and/or dependents) who require and are authorized to occupy off-base housing. This assistance will be available to all military personnel and dependents, regardless of their pay grade, years of service, or marital status.

(2) The housing of DOD military personnel will be conducted on a nondiscriminatory basis. All housing activity

will be free from racial discrimination, and provide equal opportunity and treatment for all military personnel irrespective of their race, color, creed, or national origin.

(3) The Housing Referral Offices will be established as components of installation level Family Housing Offices. Any exceptions to this policy will be specifically approved by the Assistant Secretary of Defense (Installations and Logistics).

(b) At smaller installations (500 or less military personnel assigned) housing referral services will be performed to the extent required, however, full advantage will be taken of housing referral services offered by larger installations in the area. Where a military family housing inventory exists, these referral services will be performed by the family housing office.

(c) Housing Referral Offices and services may be established in overseas areas at the discretion of the head of each DOD Component concerned, after approval by the Assistant Secretary of Defense (Installations and Logistics). Where such service is provided, there will be full coordination between and among affected DOD Components.

(d) The Assistant Secretary of Defense (Installations and Logistics) will develop and issue supplementary DOD Instructions governing the operation of the Housing Referral Program, and review and evaluate compliance therewith.

(e) The Assistant Secretary of Defense (Manpower and Reserve Affairs) will review and evaluate compliance relating to Equal Opportunity in off-base housing including required surveys to measure progress in the area of off-base discrimination.

(f) The Assistant Secretary of Defense (Comptroller) is responsible for issuing policy and procedures for the financing of the Housing Referral Program.

(g) The Secretaries of the Military Departments and Directors of Defense Agencies are responsible for the establishment and operation of the Housing Referral Offices and the performance of housing referral and related services.

§ 239a.4 Programing, budgeting and financing.

(a) Resources required for the Housing Referral Program will be programed, budgeted and financed under the Family Housing Management Account or the applicable Military Personnel Appropriation.

(b) Costs of housing referral services (exclusive of costs related to military personnel) are chargeable to the Family Housing Management Account under the Major Functional Category: Operation and Maintenance; Immediate Subordinate Account: Operations; Subaccount: Administration. Applicable costs charged to this account will be determined in accordance with the principles set forth in DOD Instruction 7150.6¹ for charging

See footnotes at end of document.

administrative and related support costs. Appropriate DOD issuances will be revised accordingly.

(c) Costs of military personnel engaged in this program will be charged to the applicable Military Personnel Appropriation.

MAURICE W. ROCHE,
*Director, Correspondence and
Directives Division, OASD
(Administration).*

[F.R. Doc. 70-9848; Filed, July 29, 1970;
8:50 a.m.]

PART 239b—HOUSING REFERRAL OFFICES AND SERVICES

The Assistant Secretary of Defense (Installations and Logistics) approved the following policy which has been in effect for about 7 months:

- Sec.
239b.1 Purpose.
239b.2 Applicability and scope.
239b.3 Program objectives.
239b.4 General guidelines.
239b.5 Functions and responsibilities.
239b.6 Criteria for establishing joint or coordinated offices.
239b.7 Housing referral offices—procedures and reports.

AUTHORITY: The provisions of this part issued under 5 U.S.C. 301 and Part 239a of this subchapter.

§ 239b.1 Purpose.

This part supplements Part 239a of this subchapter and provides guidance for (a) establishment and operation of Housing Referral Offices, (b) performance of housing referral services, and (c) reporting requirements.

§ 239b.2 Applicability and scope.

The provisions of this part apply to all DOD Components (the Military Departments, Defense Agencies and other DOD activities) which have military personnel assigned who are authorized to live in the civilian community.

§ 239b.3 Program objectives.

(a) The Housing referral program is to provide military personnel authorized to live in the civilian community with a personalized and conveniently available service to assist them in locating suitable off-base housing. Communities near military installations are relied on as a primary source of housing for military personnel.

(b) Where government quarters are available, assignments are made in accordance with existing instructions (see DOD Instruction 4165.44¹).

(c) In providing full and complete Housing Referral Services to all military personnel, it is the intent to avoid duplication and overlapping where two or more installations are located in the same general area and draw upon the same community support.

§ 239b.4 General guidelines.

(a) In appropriate geographic areas, maximum intra- and inter-service coordination will be effected in performing

housing referral services. A single (joint) referral office should be considered where suitable and where more than one installation draws upon the same community support.

(b) The housing referral services will be established and operated within the centralized Family Housing Offices as prescribed by Part 239a of this Subchapter unless specifically exempted by the ASD(I&L). Operations will be performed by permanently assigned personnel to the degree possible. Family or community services volunteers may be utilized, but only to assist personnel responsible for providing such services. Military personnel or civilian personnel may be used as required.

(c) In order to provide maximum assistance, procedures will be established whereby military personnel are processed through the appropriate housing referral office prior to the execution of a commitment for obtaining private housing. In this manner, personnel can be provided centralized information on availability of public quarters, types and costs of available private rental housing, schools, shopping, and other community services. Each military person shall retain his freedom of choice in the selection of private accommodations, except in those situations where competent authority has imposed restrictive sanctions against certain rental properties or when there is a requirement to occupy Military Family Housing; in this connection, efforts should be made to avoid hardship on the serviceman. DOD Instruction 4165.44¹ establishes criteria for considering hardship cases.

(d) In all instances, positive, aggressive action will be taken to secure the maximum number of suitable listings (vacancies) of properties which are available for occupancy by military personnel.

(e) Establishment of housing referral service is not intended to intrude on the normal relations between real estate brokers, rental agents, sales agents, and their customers.

§ 239b.5 Functions and responsibilities.

(a) *Large installations (more than 500 military personnel assigned).* Under the general supervision of heads of DOD Components each Housing Referral Office will perform the following:

(1) Obtain nondiscriminatory listings (vacancies) of housing units in the commuting area. Inspect property submitted for listing when there is a question of suitability based on environmental conditions, including health and safety considerations.

(2) Maintain listings, as applicable, of housing against which sanctions have been imposed.

(3) Provide housing information to military personnel and dependents of all components of DOD.

(4) Counsel all military personnel processed through the referral service concerning standards of conduct and on availability of assistance in resolving complaints between tenant and landlord.

See footnotes at end of document.

(5) Secure reports from personnel of housing obtained from any source or reasons for failure to obtain suitable housing.

(6) Maintain continuous liaison with the real estate interests and the community to advise of military housing needs, to obtain listings of available units and to encourage open housing for military personnel.

(7) Maintain liaison with other Government agencies regarding availability of housing assets to satisfy DOD housing needs.

(8) Stay abreast of housing activity in the community and community services and provide this information to interested personnel.

(9) Assist, as required, in assuring that only nondiscriminatory advertisements of rental or sale housing units appear in media under control of the command (see DOD Instruction 1436.1² and 5120.4³).

(10) Exchange housing listings and data with other Housing Referral Offices as appropriate.

(11) Maintain signed acknowledgments of notification to military members of any units restricted by official sanction.

(12) Maintain data and submit reports, as required, regarding progress on obtaining listings and referrals and placements made, and related matters.

(13) Verify availability of houses for sale or rent prior to referring personnel to them. Contact apartment owners or operators as necessary to assure knowledge of current rental policies, practices, and rates.

(14) Provide a point of contact for real estate interests and military personnel in regard to complaints associated with housing and provide a mediation service. In the event of complaints pertaining to racial discrimination the provisions of DOD Instruction 1338.12⁴ will be followed.

(15) Withhold authorization of leases or rental agreements by military personnel in discriminatory facilities.

(b) *Small installations (500 or less military personnel assigned).* Under the general supervision of heads of DOD Components each installation commander will:

(1) Assure that full advantage is taken of housing referral services offered by larger installations in the area.

(2) Make available referral services and, in addition, personal assistance described in paragraph (a) of this section to the extent required by the local environment.

(3) Withhold authorization of leases or rental agreements by military personnel in discriminatory facilities.

§ 239b.6 Criteria for establishing joint or coordinated offices.

(a) *Joint office.* A single (joint) housing referral office serving all installations in the area may be established if all installations are so situated that the single referral office will not cause personal inconvenience or lessen the effectiveness of referral service for military personnel in the area. When a single housing re-

ferral office is established, one installation will be responsible for all functions and responsibilities listed in § 239b.5. This includes single reporting for the area, and followup action on complaints reported by military personnel of all Services and property owners, as deemed appropriate. A single referral office may be jointly manned, as agreed locally.

(b) *Coordinated offices.* In areas where it is determined that a single (joint) referral office is not appropriate, one installation may be designated as central coordinator for the area. The central coordinator will serve as a single point or as DOD prime agency for contacts between the military and community officials and local, state and federal agencies. In coordinated areas, each installation will be responsible for providing referral service. Two methods of operating coordinated offices are:

(1) *Divide the area among officers.* The geographical area may be divided among several installations based on their area of interest. Each installation commander will be charged with all the functions and responsibilities of the referral service that pertain to his area, except the overall community coordination responsibilities of the central coordinator. Under this arrangement, each installation commander will be responsible for contacting individual landlords to obtain referral listings within the specifically assigned geographical area of responsibility. As appropriate, referral offices will exchange information on listings and each will counsel and refer its own applicants.

(2) *Coordinating office make contacts and obtain listings.* The central coordinator may operate as a joint activity responsible for housing referral functions for all installations in the area short of counseling and providing assistance to members reporting to individual installation referral offices. Referral offices at each installation may operate as branch offices of the central coordinator or as separate referral offices. In either case each office will receive consolidated referral information from the central coordinator and will counsel and refer its own applicants.

§ 239b.7 Housing referral offices—procedures and reports.

(a) *Housing listings (vacancies).* No effort should be spared in obtaining the maximum number of housing listings (vacancies) required for use as referrals for those personnel authorized to live off base. Listings must be documented, however, with written assurance of availability (see paragraph (b) of this section) to all military personnel without regard to race, creed, color or national origin.

(1) *Rental listings.* (i) Listings of housing units available for rent to military personnel shall be obtained from owners, their representatives or from real estate agents.

(ii) The owner or manager or agent of the property being listed shall be requested to sign a "Family Housing Information Sheet" (DD Form 1666)⁵ or

provide other assurances that the property is available to all military personnel. The documented assurance shall be retained in files for needed purposes.

(iii) A more detailed rental listing card (DD Form 1667)² shall be completed for each facility and cross referenced to the signed "Family Housing Information Sheet" or such other assurance of availability to all military personnel that is provided.

(iv) The data on the listing cards² should be checked for accuracy and currency.

(v) The property owner, manager, or agent who makes the listing should be requested to advise the Housing Referral Office when the unit is rented or when it is no longer available for rent. This notification may be accomplished by telephone or any other means of communication.

(vi) The "Detailed Sales/Rental Listing Card" (DD Form 1667)² shall be filed in the appropriate "for rent" file and used as appropriate in making referrals.

(2) *Other facility listings.* Accommodations such as shares, sublets, transient quarters, rooms and trailer courts are to be handled the same as rentals.

(3) *Sales listings.* (i) Listings of housing units available for sale to military personnel shall be obtained from owners, their representatives or from real estate agents.

(ii) The owner or manager or agent of the property being listed shall be requested to sign a "Family Housing Information Sheet" (DD Form 1666)² or provide other assurances that the property is available to all military personnel. The documented assurance shall be retained in files for record purposes.

(iii) The "Detailed Sales/Rental Listing Card" (DD Form 1667)² should be completed for each facility and cross referenced to the signed "Family Housing Information Sheet" (DD Form 1666)² or other documented assurance of availability to all military personnel.

(iv) The detail on the listing cards should be checked for accuracy and currency.

(v) The property owner, manager, or agent who makes the listing should be requested to advise the Housing Referral Office when the unit is sold or when it is no longer available for sale. This notification may be accomplished by telephone or any other means of communication.

(vi) The "Detailed Sales/Rental Listing Card" (DD Form 1667)² shall be filed in the appropriate "for sale" file and used in making referrals.

(b) *Assurance of availability to all military personnel.* (1) Property may be qualified for listing with the housing referral service by completion of the "Family Housing Information Sheet" (DD Form 1666)² by the owner or manager of the property, or through an exchange of letters, or by other means devised locally so long as the result is a written assurance of nondiscrimination which can be retained in the referral files. Where the

"Family Housing Information Sheet" (DD Form 1666)² is not used, the information required by that form will be obtained and retained on file.

(2) When the Housing Referral Office or the installation commander is unable to obtain a written assurance of availability to all military personnel from an owner, manager, or agent who nevertheless asserts that he follows this policy, the facility may be listed for referral if there is on file in the Housing Referral Office:

(i) A statement signed personally by the installation commander or his deputy, as appropriate, or his specific designee, that an explicit oral assurance of availability to all military personnel has been furnished him by the owner or manager in question; and

(ii) Information required to complete the "Family Housing Information Sheet" (DD Form 1666)².

(c) *Processing personnel.* In accordance with established procedures, assure that all military personnel seeking off-base housing are reporting to the appropriate Housing Referral Office prior to obtaining off-base housing.

(d) *Housing referral counselling and assistance.* (1) An inquiry will be made of each individual clearing through the Housing Referral Office to determine if he desires assistance in obtaining off-base housing. If the individual does not desire assistance of the Housing Referral Office a documented statement to this effect shall be obtained. Record why he does not desire assistance and record his place of duty and telephone number. Counsel and provide him with the guidelines as set forth in subparagraphs (2), (8), (9), (10), and (11) of this paragraph (d).

(2) If assistance is desired, the applicant should be assisted in completing an "Off-Base Housing Application" (DD Form 1668)². Insure that his place of duty and telephone number are recorded. If official sanctions have been imposed restriction housing facilities, the individual reporting to the Housing Referral Office must be provided with a listing of these restricted facilities and be required to sign a statement of receipt.

(3) A complete file or list of rentals of sales offerings in the size, location and price range he has indicated, will be made available to the applicant.

(4) The applicant will be furnished a form (DD Form 1669)² for recording the information obtained from the files.

(5) The applicant will be assisted as necessary in locating, mapping, and marking the listings he has chosen and advised that additional listings which may become available may be obtained from the office by telephone.

(6) The applicant will be provided general information on the geographic area in which he desires to locate including, as appropriate, information on public, private, and parochial schools, transportation, churches, recreational facilities, emergency service, and like information (see also paragraph (e) of this section).

(7) Each applicant should be counselled concerning the scope of the De-

partment of Defense policy regarding off-base housing and advised that, in order to determine the effectiveness of the program and to insure that owners/managers of housing facilities listed with the referral system are honoring their availability statements, a report of his experiences in locating suitable off-base housing is essential. Any form of discrimination or other complaints concerning any housing facility to which he was referred or to which he applies must be reported immediately in complete detail to the Housing Referral Office. Complaints will be investigated immediately.

(8) An individual reporting to the Housing Referral Office will be advised to provide the Housing Referral Office within 10 duty days with an interim or final report of the status of his efforts to locate housing. The report will be made on postage-paid "Notification of Housing Selection" card (DD Form 1670)² provided which has been preaddressed to the appropriate office. The information reported on this card will be used as followup to ascertain if families have found satisfactory housing, as an indicator of the off-base housing situation, for potential future listings, and to report referral accomplishments and status of unhoused families to higher headquarters, as required. The importance of obtaining this information should be stressed and each individual will be advised that, if he does not provide an interim or final report to the Housing Referral Office within 10 duty days, positive action will be taken to followup and determine the status of the individual's efforts to locate housing.

(9) Each person processed will be provided with written guidelines covering standards of conduct for military personnel residing off-base, DOD FS-46, "The Military Tenant."² Each will be tactfully counseled concerning these standards of conduct when occupying non-Government housing, and of the availability of assistance in resolving complaints between tenants and landlords. The counseling should include a discussion of tenants' rights, the desirability of inclusion of a military release clause in all rental contracts, and the availability of legal assistance in the review of proposed leases and sales contracts to protect the interests of military personnel.

(10) Applicants displaying interest in home purchase will be advised to contact the responsible officer for determination of eligibility for payment by the Military Service of mortgage insurance premiums to the Federal Housing Administration. Veterans Administration Home Loan Guarantees are also available for qualified personnel and should be explained if the applicant is interested.

(11) Inform each person processed that he is not authorized to rent or lease a housing unit to which racial discrimination is applied.

(e) *Geographical area information.* Each Referral Office will compile information concerning schools (public, private, and parochial), shopping areas, recreational facilities, transportation,

See footnotes at end of document.

and other community facilities and services in its geographical area and assemble this information as hand out material to personnel seeking off-base housing (see also paragraph (d) (7) of this section).

(f) *Complaints.* Complaints of off-base housing problems of any nature from military personnel or from owners/managers of listed housing facilities must be investigated immediately for validity. Full and complete information will be obtained from each party concerned and the circumstances evaluated impartially. When possible, complaints should be in writing by the aggrieved party. Preliminary investigation of complaints will be made by the Housing Referral Office and adjudicated when possible. When complaints are of a serious nature and when there are indications that the command should become involved, the facts should be reported to the installation commander for further investigation and/or necessary action.

(g) *Inspections.* Inspection of rental property is for the protection of the military family moving into the community. Property should be inspected when there is a reason to question the suitability of the housing based on environmental conditions, including health and safety considerations. When, in the opinion of the command, housing is unsuitable for occupancy of military families, it may be removed as a listing or not accepted for listing.

(h) *Community liaison.* Close community contact and liaison are required. Maintain continuous liaison with local community offices, officials, and organizations who have an interest in community housing in their geographical area. Every effort will be made to publicize the need for military family housing in the community on the basis of availability to all military personnel. Contacts should include, but not be limited to, real estate boards, fair housing boards, and representatives of the Federal Housing Administration and Veterans Administration.

(i) *Approval of advertising.* Consistent with established command procedures Housing Referral Offices will assist, as required, to insure positive control of the advertising of rental or sale property in or on official media under the control of the command (see DOD Instructions 1436.1² and 5120.4³). This control is necessary to insure compliance with the Department of Defense program to assure equal opportunity for all military personnel in off-base housing.

(j) *Hours of operation.* Hours of operation of the Housing Referral Office should be established to meet the needs of and provide convenience for military families who desire assistance in obtaining suitable off-base housing. The hours of operation should be widely publicized in order that personnel will know when the service is available. During hours when the office is not open, arrangements should be made with an office, e.g., duty officer, charge of quarters, etc., to furnish

sufficient housing referral information and a listing or restricted housing facilities to which official sanctions have been applied which will be adequate for the use of military personnel until the Housing Referral Office reopens. The location of the office which is to be utilized when the Housing Referral Office is closed should be widely publicized and clearly posted outside the Housing Referral Office. Personnel should be instructed to report to the Housing Referral Office during the next working day for further counseling and assistance.

(k) *Standards of conduct.* (1) Reference is made to Standards of Conduct for Armed Forces Personnel (Part 40 of Subchapter B of this Title 32). All military and civilian personnel assigned, attached to or employed in the Housing Referral Service are cautioned to have no business association or financial interests which might give rise to any suspicion of partiality.

(2) All military and civilian personnel connected with housing referral office activities are cautioned to avoid any action, whether or not specifically prohibited, which might result in or create the appearance of:

- (i) Using public office for private gain.
- (ii) Giving preferential treatment to any person or housing facility.
- (iii) Making a Government decision outside official channels.
- (iv) Affecting adversely the confidence of the public in the integrity of the government.

(l) *Publications.* Publications that are inconsistent with the Department of Defense (DOD) policy of availability of housing on an equal basis to all military personnel will not be used or distributed by Housing Referral Offices. Some commercial publications list the availability of housing that is not listed with the Housing Referral Office, and whose owners have not provided assurances of availability to all military personnel. These facilities cannot be recognized or recommended by DOD Components.

(m) *Reports.* (1) *Reporting requirements.* (i) A quarterly report is required for each installation performing housing referral services. The report will be prepared on DD Form 1656,² "Off-Base Housing Referral Report." DOD Components, as applicable, will prepare a separate summary report on DD Form 1656² for the quarters ending with March, June, September, and December. The summary will indicate the number of installations reporting by size classification, i.e., 500 and under military personnel assigned or over 500 military personnel assigned.

(ii) Initial reports under this part will be for the first quarter, calendar year 1969. One copy of each installation and a summary report will be submitted by each Military Department and DOD Agency to reach the Deputy Assistant Secretary of Defense (Family Housing) by the 25th day following the end of the report quarter.

(2) *Instructions for completing DD Form 1656.² Off-Base Housing Referral Report.*—(i) *General instructions.* This report should be used by the preparing installation and other DOD Components

to measure the progress, usage and effectiveness of the Housing Referral Offices and the Housing Referral Services. Joint Housing Referral Offices are responsible for all functions and responsibilities listed in this part, including single reporting on DD Form 1656² for all the installations served. Installations operating under a central coordinator, either by division of geographical area or as a joint activity, are each responsible for providing referral service and preparation and submission of DD Form 1656.²

(ii) *Specific instructions.*—(a) *Item 1a—Installation or joint office.* Enter name of installation. Enter the word "joint" in parentheses if the installation serves and performs all referral services for other installations in the area.

(b) *Item 1b—Command.* Enter command identity.

(c) *Item 1c—Service.* Enter Service identity.

(d) *Item 2a—Report for.* Enter quarter and year being reported, e.g., January-March 1969. This is a calendar year report.

(e) *Item 2b—Over/under 500 military.* Check appropriate box to indicate whether installation or joint office has over or under 500 military personnel assigned or attached.

(f) *Lines 3 through 5—Race.* In columns a through k, enter by race the number of military personnel regardless of pay grade or marital status and/or military families (hereafter identified as military personnel) processed by the Housing Referral Office (HRO), housed either by the HRO or housed through other means, or number not housed 2 months or more. Exclude Government quarters.

(g) *Line 6—Total for quarter.* In columns a through k, enter totals of lines 3 through 5.

(h) *Line 7—Cumulative for year (calendar year).* In columns a through j, add and enter current "totals for quarter" in line 6 to "cumulative for year" totals reported on line 7 of previous quarterly report.

(i) *Line 8—Number of complaints alleging discrimination.* Self-explanatory.

(j) *Line 8a—Summary of complaints of discrimination.* Briefly summarize each complaint on installation reports. Summary reports should reflect the name of each installation reporting complaints and the number of such reports.

(k) *Line 9a—Number of valid complaints by military members.* Enter number of valid complaints regarding referral service.

(l) *Line 9b—Number of valid complaints by owner/agent/manager.* Enter number of valid complaints regarding referral service, military tenants, and the like made by owners/agents/managers, of off-base housing.

(m) *Lines 10 and 11—Signature and title.* Self-explanatory.

(n) *Line 12—Remarks.* Enter in line 12 any comments which would be helpful in explaining the local Housing Referral situation.

(o) *Column a—Number reporting to HRO.* For line 3 through 5, enter the number of military personnel (see (f) of

See footnotes at end of document.

this subdivision) reporting to the HRO for processing regardless of their desire for assistance. Column a should equal the totals of column b plus c.

(p) *Column b—Number not requesting assistance.* For lines 3 through 5, enter the number of military personnel (see (f) of this subdivision) reporting to HRO who decline any assistance in obtaining off-base housing other than the required counselling.

(q) *Column c—Number requesting assistance.* For lines 3 through 5, enter the number of military personnel (see (f) of this subdivision) requesting and provided referral assistance and counselling in obtaining off-base housing.

(r) *Column d—Number housed in rentals through HRO.* For lines 3 through 5, enter number of military personnel (see (f) of this subdivision) who, during the report month, advise that they obtained rental housing through vacant rental listings provided by the HRO. Government quarters not to be included.

(s) *Column e—Number housed in rentals through other (sources).* For lines 3 through 5, enter number of military personnel (see (f) of this subdivision) who, during the report month, advise that they obtained rental housing on their own and not from vacant rental listings provided by HRO.

(t) *Column f—Number housed in sales through HRO.* For lines 3 through 5, enter number of military personnel (see (f) of this subdivision) who, during the report month, advise that they obtained sales (home purchase) housing through sales listings provided by the HRO.

(u) *Column g—Number housed in sales through other (sources).* For lines 3 through 5, enter number of military personnel (see (f) of this subdivision) who, during the report month, advise that they obtained sales (home purchase) housing on their own and not from sales listings provided by the HRO.

(v) *Column h—Total housed through HRO.* For lines 3 through 5, enter the total of column d plus column f.

(w) *Column i—Total housed through other (sources).* For lines 3 through 5, enter the total of column e plus column g.

(x) *Column j—Combined total housed.* For lines 3 through 5, enter the total of column h plus column i.

(y) *Column k—Number not housed two months or more.* For lines 3 through 5, as of the last day of the quarter reported, enter the number of military personnel (see (f) of this subdivision) who have been unable to find permanent living accommodations after searching 2 months or more.

MAURICE W. ROCHE,
Director, Correspondence and
Directives Division OASD
(Administration).

[F.R. Doc. 70-9849; Filed, July 29, 1970;
8:50 a.m.]

¹ Filed as part of original. Copies available from U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120, Attention: Code 300.

² Filed as part of original.

PART 273—RESEARCH GRANTS AND TITLE TO EQUIPMENT PURCHASED UNDER GRANTS

Grant Agreements

The following amendment to Part 273 has been approved:

§ 273.6 has been amended by adding a new paragraph (e). Section 273.6(e) now reads as follows:

§ 273.6 Grant agreements.

Grant agreements shall be brief, containing only those provisions required by statutes, or for the protection of the fundamental interests of the Government. Provision shall be made for:

* * * * *

(e) The use of GSA supply sources if appropriate. This will be accomplished by a letter of authorization provided to the grantee by the grantor with a copy to the GSA. The letter of authorization must reference this Part in order to identify the authorization as being related to a research grant.

* * * * *

MAURICE W. ROCHE,
Director, Correspondence and
Directives Division, OASD
(Administration).

[F.R. Doc. 70-9801; Filed, July 29, 1970;
8:46 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

[CGFR 69-127]

MISCELLANEOUS AMENDMENTS TO CHAPTER

In F.R. Doc. 70-7254, commencing at page 9974 in the issue of Wednesday, June 17, 1970, the following corrections are made:

PART 52—POWER BOILERS

1. In § 52.01-140, appearing on page 9976, paragraph (e) is corrected in the first sentence by changing "PC-109" to "PG-109".

2. In § 52.01-145, appearing on page 9976, the heading is corrected by changing "PC-112" to "PG-112".

PART 54—PRESSURE VESSELS

3. On page 9977, below the words "Subpart 54.25—Construction With Carbon, Alloy, and Heat Treated Steels", the following words are added: "34. Section 54.25-7, is revised to read as follows:".

PART 55—NUCLEAR PRESSURE VESSELS

4. In § 55.15-10, appearing on page 9978, the heading is corrected by changing "§ 55.10" to "§ 55.15-10".

PART 56—PIPING SYSTEMS AND APPURTENANCES

5. Amendatory paragraph 70(1), appearing on page 9979, is corrected to read as follows:

70. Section 56.60-15 is amended as follows:

(1) In the heading of the section, the introductory text of paragraph (a), and in the paragraphs (a) (1) and (3), the word "nodular" is changed to "ductile" wherever it appears.

PART 58—MAIN AND AUXILIARY MACHINERY AND RELATED SYSTEMS

6. Amendatory paragraph 79, appearing on page 9980, is corrected by changing in lines 6 and 7 "58.30-30(a)" to "58.03-30(a)".

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

7. Amendatory paragraph 100-e, appearing on page 9982, is corrected by changing in lines 3 and 4 "Outaging" to "Outside packaging".

8. Amendatory paragraph 103-c, appearing on page 9982, is corrected by changing, in line 3 of Note 1, "§ 146.24.21" to "§ 146.24-21".

Dated: July 22, 1970.

C. R. BENDER,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 70-9851; Filed, July 29, 1970;
8:50 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 70-800]

PART 1—PRACTICE AND PROCEDURE Renewal of Auxiliary Radio Broadcast License

Order. 1. The Commission here amends § 1.539(d) of its rules to specify use of a new form (FCC Form 313-R) in making application for renewal of station license in the auxiliary radio broadcast services in the event there has been no change in the information previously filed with the Commission on FCC Form 313 in the initial application for license. The section is also amended and FCC Form 313 is revised to specify use of FCC Form 313 for making application for renewal of license of auxiliary broadcast stations only when there has been a change in such information.

2. All applications for authorizations in the Auxiliary Radio Broadcast Services, including those for renewal of station license, are currently required to be

filed on FCC Form 313, a form requesting detailed information from an applicant. Since the information submitted in such license renewal applications is generally the same as that submitted in the initial application for license, the use of Form 313 for license renewal applications often imposes a needless burden on licensees and on the Commission in processing the huge volume of such renewal applications which it receives annually. These considerations convince us that it is desirable in the public interest to use a new form (FCC Form 313-R), requiring much less information than FCC Form 313, for license renewal applications when there has been no change in the information on file with the Commission in the initial application for station license and to require use of FCC Form 313 for renewal of license applications for auxiliary radio broadcast stations only when there has been some change in such information.

3. Authority for the attached amendments is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended. Inasmuch as the amendments ordered are procedural and editorial in nature, the prior notice and effective date provisions of the Administrative Procedure Act, 5 U.S.C. 553, do not apply.

4. In view of the foregoing, and it appearing that adequate supplies of Form 313-R will be available by October 15, 1970: *It is ordered*, effective October 15, 1970, that § 1.539(d) of the rules is amended to read as set forth below and that the attached FCC Form 313-R (Short Form)¹ instead of FCC Form 313 shall be used for filing applications for renewal of license for auxiliary broadcast stations in the circumstances prescribed by subparagraph (4) of paragraph (d) of the section.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: July 22, 1970.

Released: July 24, 1970.

FEDERAL COMMUNICATIONS
COMMISSION,²

[SEAL] BEN F. WAPLE,
Secretary.

In § 1.539(d), subparagraph (3) is amended, as set forth below; present subparagraphs (4), (5), (6), and (7) are redesignated (5), (6), (7), and (8), and a new subparagraph (4) is added to read as follows:

§ 1.539 Application for renewal of license.

* * * *

(3) FCC Form 313 "Application for Authorization in the Auxiliary Broadcast Services." To be used for applications for renewal of licenses of auxiliary broadcast stations only when there has been a change in the information contained in the initial application for license.

¹ Form filed as part of the original document.

² Chairman Burch absent.

(4) FCC Form 313-R "Application for Renewal of Auxiliary Radio Broadcast License (Short Form)." To be used for applications for renewal of licenses of auxiliary broadcast stations when there has been no change in the information contained in the initial application for license.

* * * * *

[F.R. Doc. 70-9837; Filed, July 29, 1970; 8:49 a.m.]

[Docket No. 12221; FCC 70-787]

PART 91—INDUSTRIAL RADIO SERVICES

Single Sideband Systems

Report and Order. In the matter of amendment of Part 91 (formerly 11) of the Commission's rules to provide technical standards for the governing of single sideband systems operating on frequencies below 10 MHz, RM-1039. Petition of the American Petroleum Institute to amend Part 91 of the Commission's rules to regularize the use of single sideband and convert operations on the frequencies 2292, 2398, and 4637.5 kHz to its use.

1. On October 21, 1957, the Commission issued a notice of proposed rule making looking towards the establishment of technical standards for single sideband (SSB) operation below 10 MHz in the Industrial Radio Services. The notice was duly published in the FEDERAL REGISTER on October 24, 1957 (22 F.R. 8387). Comments were requested by February 3, 1958, and reply comments by February 13, 1958.

2. As can be seen, action in this proceeding has been unusually delayed. This was due in part to the need for study of SSB technical standards in developmental and regular operations in other radio services in order to determine the proper nature of such standards for the Industrial Radio Services and the extent to which they should be implemented or made mandatory.

3. Still valid are the comments originally filed by the Radio Corp. of America (RCA), Barker and Williamson Inc. (B&W), Motorola Inc. (Motorola), the Communications Section of the American Petroleum Institute (API), and J. Ray McDermott & Co., Inc. (McDermott). Seismograph Service Corp. (Seismograph) filed a letter after the close of the comment period stating that the corporation had not filed comments on the assumption that the proceeding was to make provision for SSB operation in voice telephony communications. Seismograph suggested that the matter be clarified in the final action in the proceeding.

4. In regard to the Seismograph letter, the proposed rules did concern the use of SSB for radiotelephony, as was shown by the use of the emission designator "A3a" in § 11.111(a). At the time, this was the only designator available for SSB radiotelephony, with the letter "a" indicating use of "reduced carrier." Now the suppressed carrier mode of SSB

operation may be specifically designated by use of the letter "J" in the designator, as set forth in Part 2 of the Commission's rules (see § 2.201, Emission, modulation and transmission characteristics). The emission designator has accordingly been changed to "A3J" in the rules below.

5. While there were no objections to the adoption of the SSB technical standards, as such, a number of suggestions for revision of the proposed standards were submitted. RCA and B&W suggested that a carrier frequency tolerance requirement of 20 Hz may be too stringent. B&W believed that such a requirement could inhibit the development of reasonably priced equipment, especially for mobile use and recommended the use of a frequency vernier (clarifier) in mobile units. RCA recommended 30 Hz as a satisfactory frequency tolerance requirement. Motorola advocated operation with the carrier 13 to 20 dB below peak envelope power so that the frequency tolerance requirements could be relaxed with attendant benefits in economics and maintenance. Availability of this amount of carrier would allow for use of techniques to eliminate frequency errors which otherwise could be a problem in the use of selective calling and data systems. API supported the proposed suppression of the carrier 50 dB below peak envelope power for voice communications, but suggested that the transmission of some greater, but unspecified amount of carrier be permitted for special emission for geophysical operations.

6. RCA and B&W raised questions about the proposed emission bandwidth of 2.7 kHz and RCA suggested that the bandwidth should be 4 kHz. McDermott described the performance of their SSB voice equipment in double sideband (DSB) channels under developmental authorization. The company suggested that the SSB carrier frequency be permitted to be sufficiently removed from the DSB carrier frequencies to permit satisfactory operation of both systems simultaneously.

7. In arriving at final technical standards for use of SSB radiotelephony under Part 91 of the rules, we have taken into account the comments submitted in response to the proposed rule making, experience with developmental operation under Part 91, and developments in rules and use of SSB in the MF and HF bands by other radio services. Technical standards for MF and HF SSB radiotelephone transmitters have been contained in the maritime service rules, Parts 81 and 83, for some time and equipment capable of meeting these standards has been marketed and licensed. In fact, many stations licensed for use of SSB on a developmental basis under Part 91 of the rules have used type accepted marine equipment. In some cases, SSB transmitters on board ship are licensed for operation in both the Industrial and Maritime Mobile Radio Services. We are adopting standards which do not exceed marine requirements and which will permit use of marine equipment under Part

91. Our changes in the proposed standards also, for the most part, accommodate the comments suggesting revision of the standards.

8. In brief, we have relaxed the proposed frequency tolerance of 20 Hz to 50 Hz. This tolerance is the same as that required for ship stations in the maritime services and should be adequate for base, mobile and fixed station operation in the Industrial Radio Services. We have translated the proposed maximum transmitter power to be authorized, which was in terms of transmitter input power, to an equivalent peak envelope power, which is output power. The emission limitations have been modified to require a lesser attenuation in the region between 100 and 250 percent of the authorized bandwidth from the assigned frequency as suggested by RCA and B&W. Since the limitations are for a particular bandwidth, we have changed the percentage figures to specific kHz figures. The emission bandwidth in our proposal was predicated on a three SSB channel for one DSB channel frequency split. Developmental operation has shown this operation to be unsatisfactory. We have, accordingly, adopted rules that provide for division of DSB voice channels into two SSB channels, one with the SSB authorized carrier frequency coincident with the DSB assigned frequency, and the other with the SSB carrier frequency 3 kHz below the DSB assigned frequency. The authorized bandwidth has been changed to 3.5 kHz with a necessary bandwidth of 2.8 kHz. A requirement that the transmitter automatically limit the peak envelope power has been added.

9. The allowable level of carrier has been changed from the proposed 50 dB to 40 dB below peak envelope power. We recognize that in some situations, such as in geophysical operations, it may be necessary for licensees to operate with SSB emissions other than A3J and with reduced or even full carrier. We anticipate providing for use of such emissions, as we have provided for other than A3 emissions in the past. However, only SSB emissions employing suppressed carrier will be authorized on channels established in the lower half of a DSB channel.

10. Relating to the original proposals in this proceeding is a petition filed on September 21, 1966, by API (RM-1039) which requested regular use of SSB and recommended that portions of the radio spectrum designated by the frequencies 2292, 2398, and 4637.5 kHz be converted to use of SSB. API suggested that conversion to SSB be required to be made in 1 year for 4637.5 kHz, in 2 years for 2398 kHz, and in 4 years for 2292 kHz, with some allowance for expansion of DSB systems before the conversion cut-off date. We do not believe that the API petition goes far enough. In the interest of spectrum conservation and recognition of practices being followed in other radio services in the implementation of SSB in the MF and HF parts of the radio spectrum, we believe that all Industrial Radio Service voice operations on frequencies below 10 MHz should be shifted to SSB. Accordingly, we are adopting a

requirement for the use of SSB in newly licensed radiotelephone systems in 1 year and all systems in 5 years. The system approach to the requirement will allow licensees to maintain communication compatibility in their systems. The suppressed carrier mode of SSB telephony has been adopted as a standard in the interest of minimizing interference. This mode is used in other services and has been found from developmental operations to be practical in the Industrial Radio Services.

11. The technical standards for SSB voice communications adopted in this rule making will be applicable to SSB equipment operated on any high frequencies made available under the proceedings in Docket No. 18539 for interconnected or coordinated electric utility system command control networks in the Power Radio Service. Since SSB will be used on the frequencies from the inception of the network operation, the requirements for shift to SSB adopted in this proceeding will not affect the network operations.

12. In view of the foregoing: *It is ordered*, That, pursuant to the authority contained in sections 4(i) and 303 (c), (e) and (r) of the Communications Act of 1934, as amended, Part 91 of the Commission's rules is amended effective August 31, 1970, as set forth below. The petition filed by the API (RM-1039) is granted to the extent indicated herein and denied in all other respects. *It is further ordered*, That the proceeding in Docket No. 12221 is hereby terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: July 22, 1970.

Released: July 24, 1970.

FEDERAL COMMUNICATIONS
COMMISSION,¹
[SEAL] BEN F. WAPLE,
Secretary.

Part 91 of the Commission's rules is amended as follows: A new § 91.112 is added to read as follows:

§ 91.112 Single sideband radiotelephone technical specifications.

(a) The use of A3J emission (single sideband radiotelephony) in these services on frequencies below 10 MHz shall be in accordance with the provisions of this section, notwithstanding any other technical provisions of this part to the contrary.

(b) The frequency coinciding with the center of the authorized frequency band of emission shall be the assigned frequency. Both the authorized carrier frequency and assigned frequency shall be specified in the authorization. The authorized carrier frequency shall be 1400 Hz lower in frequency than the assigned frequency. Only upper sideband emission shall be used.

(c) The carrier frequency shall be maintained within 50 Hz of the authorized carrier frequency.

¹ Chairman Burch absent.

(d) The bandwidth occupied by the emission shall not exceed 3500 Hz. The emission designator shall be 3.5A3J. Authorization to use A3J emission is construed to include the use of tone signals or signalling devices whose sole function is to establish or maintain communications between stations.

(e) The maximum audio frequency to be transmitted is 2800 Hz.

(f) Authorized power shall be in terms of peak envelope power, which is the average power supplied to the antenna transmission line by a transmitter during one radio frequency cycle at the highest crest of the modulation envelope, taken under conditions of normal operation. The maximum peak envelope power for single sideband operation is 2 kw.

(g) Except for short periods necessary for tuning and testing, the carrier frequency power shall be at least 40 dB below the peak envelope power.

(h) The mean power of emissions shall be attenuated below the mean output power of the transmitter in accordance with the following schedule:

(1) On any frequency removed from the assigned frequency by more than 1.75 kHz up to and including 5.25 kHz: At least 25 dB;

(2) On any frequency removed from the assigned frequency by more than 5.25 kHz up to and including 8.75 kHz: At least 35 dB;

(3) On any frequency removed from the assigned frequency by more than 8.75 kHz: At least 43 plus 10 log₁₀ (mean output power in watts) dB.

(i) In the case of regularly available double sideband radiotelephone channels, an assigned frequency for A3J emission is available either 1.6 kHz below or 1.4 kHz above the double sideband radiotelephone assigned frequency.

(j) The transmitter shall automatically limit the peak envelope power to that shown in the Radio Equipment List, or to the manufacturer's rated peak envelope power for the particular transmitter specifically listed on the authorization.

(k) A3J emission for radiotelephony is mandatory in all new radiotelephone systems operating on frequencies below 10 MHz on or after July 22, 1970, and in all systems 5 years after that date.

[F.R. Doc. 70-9838; Filed, July 29, 1970; 8:49 a.m.]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-43; Amdt. 173-29]

PART 173—SHIPPERS

Oil Well Cartridges

The purpose of this amendment to the Hazardous Materials Regulations of the Department of Transportation is to authorize an increase in the propellant powder grain content of oil well cartridges.

On March 7, 1970, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM-43; Notice No. 70-4 (35 F.R. 4267), proposing to amend the regulations as stated above.

Interested parties were invited to give their views on this proposal. Of the comments received, no objection was taken to the provisions of the basic proposal.

Accordingly, 49 CFR Part 173 is amended as follows:

In § 173.100 paragraph (v) is amended to read as follows:

§ 173.100 Definition of Class C explosives.

(v) Oil well cartridges are tubular devices each containing not more than 350 grains of propellant powder and having no ignition device or element. Cartridges must be constructed and packed so that they will be incapable of functioning en masse as a result of exposure to external flame.

This amendment is effective October 30, 1970. However, compliance with the regulations, as amended herein, is authorized immediately.

(Secs. 831-835, title 18, United States Code; sec. 9, Department of Transportation Act, 49 U.S.C. 1657; title VI and section 902(h), Federal Aviation Act of 1958, 49 U.S.C. 1421-1430 and 1472(h))

Issued in Washington, D.C., on July 23, 1970.

C. R. BENDER,
Admiral, U.S. Coast Guard,
Commandant.

CARL V. LYON,
Acting Administrator,
Federal Railroad Administration.

ROBERT A. KAYE,
Director, Bureau of Motor Car-
rier Safety, Federal Highway
Administration.

SAM SCHNEIDER,
Board Member, for the
Federal Aviation Administration.

[F.R. Doc. 70-9795; Filed, July 29, 1970;
8:46 a.m.]

[Docket No. HM-47; Amdt. 173-30]

PART 173—SHIPPERS

Ethylene Imine, Inhibited in Tank Cars

The purpose of this amendment to the Hazardous Materials Regulations of the Department of Transportation is to authorize shipments of ethylene imine, inhibited in Specification 111A60W1 tank cars.

On May 6, 1970, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM-47; Notice No. 70-8 (35 F.R. 7127), which proposed the amendment of 49 CFR 173.139(a)(4) to prescribe the use of Specification 111A60W1 insulated tank cars for ethylene imine, inhibited only.

Interested persons were invited to give their views on this proposal. No comments were received. Accordingly, 49 CFR Part 173 is amended as follows:

In § 173.139 subparagraph (a)(4) is amended to read as follows:

§ 173.139 Ethylene imine, inhibited, and propylene imine, inhibited.

(a) * * *

(4) Spec. 104W or 111A60W1 (§§ 179.200 and 179.201). Tank cars, for ethylene imine, inhibited only. Spec. 111A60W1 tank cars must be insulated in accordance with § 179.200-4 of this chapter.

This amendment is effective October 30, 1970. However, compliance with the regulations, as amended herein, is authorized immediately.

(Secs. 831-835, title 18, United States Code; sec. 9, Department of Transportation Act, 49 U.S.C. 1657)

C. R. BENDER,
Admiral, U.S. Coast Guard,
Commandant.

CARL V. LYON,
Acting Administrator,
Federal Railroad Administration.

[F.R. Doc. 70-9796; Filed, July 29, 1970;
8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Holla Bend National Wildlife Refuge, Ark. and Eastern Neck National Wildlife Refuge, Md.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ARKANSAS

HOLLA BEND NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves on the Holla Bend National Wildlife Refuge, Ark., is permitted only on the areas designated by signs as open to hunting. This open area, comprising approximately 800 acres, is delineated on a map available at refuge headquarters, Russellville, Ark. 72801 and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of mourning doves, subject to the following special conditions:

(1) Hunting dates: September 12, 19, 23, and 26, 1970.

(2) Permits will be required for the September 12 and 19 hunts. Permits will be available at no cost from the Russell-

ville office on a first come basis by mail beginning at 8 a.m. on August 3.

(3) Retrievers used by hunters must be kept under control at all times.

(4) All firearms must be enclosed and/or unloaded when outside designated hunting areas.

(5) Crows may also be taken during this hunt.

(6) Hunters under 15 years of age must be accompanied by an adult.

(7) Hunters may not enter the hunting area earlier than 12 m. daily.

(8) No alcoholic beverages will be allowed in the hunting area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 26, 1970.

§ 32.32 Special regulations; big game; for individual wildlife areas.

Public hunting of deer with long bow and arrow on the Holla Bend National Wildlife Refuge, Ark., is permitted. This area, comprising approximately 6,366 acres, is delineated on a map available at Refuge headquarters, Russellville, Ark. 72801; and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of deer, subject to the following special conditions:

(1) Hunting dates: October 1 through 31, 1970.

(2) Hunters may not enter the Refuge earlier than one hour before official sunrise daily.

(3) No firearms permitted.

(4) All deer taken must be reported before leaving the Refuge.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 31, 1970.

MARYLAND

EASTERN NECK NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer on the Eastern Neck National Wildlife Refuge, Md., is permitted on all areas not designated by signs as closed to hunting. This open area, comprising 2,169 acres, is delineated on maps available at refuge headquarters, Rock Hall, Md., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of white-tailed deer, subject to the following special conditions:

(1) White-tailed deer may be taken from sunrise to sunset during the following open seasons:

Bow and arrow hunt only: October 17, 19, 20, and 21, 1970.

Muzzle loading rifle hunt only: October 23, 1970.

Shotgun hunt only: October 24, 26, 27, and 28, 1970.

(2) Bag limits: One deer, either sex.
(3) All participants in the deer hunt must report at the designated check station before entering or leaving the refuge. All deer killed must be presented for examination at the check station.

(4) Hunters may not enter the refuge before three-quarters hour before sunrise and must check out no later than 1 hour after sunset.

(5) Possession of loaded weapons before or after legal hunting hours is prohibited.

(6) All hunters must enter and leave the refuge by way of State Road 445 only. Entry by boat is prohibited.

(7) Dogs are prohibited.

(8) Unauthorized entry into any building or designated "Closed Area" is prohibited.

(9) Hunters must not hunt or possess loaded guns or arrows notched in bow on the county roads or designated parking areas.

(10) During the shotgun hunt all hunters must furnish and wear, so as to be readily noticeable, red, yellow, or orange caps, hats, vests, shirts, or coats while on the hunting area.

(11) Hunters under 18 years of age must be accompanied by an adult.

(12) Hunters shall not disturb, damage, or destroy any unharvested crops.

(13) Camping and fires are prohibited.

(14) A Federal permit will be required of all participants in the deer hunts. Permits will be limited to 350 per day for the bow and arrow hunt and 150 per day for the firearms hunt. They will be issued in advance of the season to hunters selected by an impartial drawing of applications received. Applications must be received no later than September 10, 1970, at the Eastern Neck National Wildlife Refuge, Route 2, Box 225, Rock Hall, Md. 21661. Permits will not be transferable.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1970.

ERNEST C. MARTIN,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JULY 22, 1970.

[F.R. Doc. 70-9783; Filed, July 29, 1970; 8:45 a.m.]

PART 32—HUNTING

Valentine National Wildlife Refuge, Nebr.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NEBRASKA

VALENTINE NATIONAL WILDLIFE REFUGE

The public hunting of prairie grouse and pheasants on the Valentine National Wildlife Refuge, Nebr., shall be permitted only on areas designated by signs as open to hunting. The open areas are delineated on maps available at refuge headquarters, Valentine, Nebr. 69201, and from the office of the Regional Director, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Hunting shall be in accordance with all applicable State regulations governing the hunting of prairie grouse and pheasants subject to the following special conditions:

(1) The refuge will be closed to prairie grouse and pheasant hunting during the regular State duck hunting season.

(2) The open season for hunting prairie grouse on the refuge extends from October 3, 1970, through the closing date of the regular State prairie grouse season, or until the opening date of the regular State duck hunting season, whichever comes first. In the event the State of Nebraska selects a split duck hunting season, the refuge will be closed to prairie grouse hunting during such split seasons and open otherwise within the regular State prairie grouse season. The open area shall include 40,765 acres or 57 percent of the refuge.

(3) The open season for hunting pheasants on the refuge extends from November 7, 1970, or the close of the regular State duck hunting season, whichever is later, to the close of the regular State pheasant hunting season. In the event the State of Nebraska selects a split duck hunting season the refuge will be closed to pheasant hunting during such split seasons and open otherwise within the regular State pheasant hunting season. The open areas shall include 70,085 acres or 98 percent of the refuge.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through the close of the regular State 1970-71 pheasant and prairie grouse hunting seasons.

NED I. PEABODY,
Refuge Manager, Valentine National Wildlife Refuge, Valentine, Nebr.

JULY 9, 1970.

[F.R. Doc. 70-9844; Filed, July 29, 1970; 8:50 a.m.]

PART 32—HUNTING

Valentine National Wildlife Refuge, Nebr.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NEBRASKA

VALENTINE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Valentine National Wildlife Refuge, Nebr., is permitted only on the area designated by signs as open to hunting. This open area, comprising 70,085 acres, is delineated on maps available at refuge headquarters, Valentine, Nebr., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Hunting shall be in accordance with all applicable State regulations governing the hunting of deer subject to the following special regulations:

(1) The open season for hunting deer with firearms on the refuge will extend from November 14, 1970, through November 22, 1970.

(2) The hunting season for deer on the refuge with bow and arrow will extend from September 19, 1970, through December 31, 1970, except for season open to hunting deer with firearms.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1970.

NED I. PEABODY,
Refuge Manager, Valentine National Wildlife Refuge, Valentine, Nebr.

JULY 9, 1970.

[F.R. Doc. 70-9843; Filed, July 29, 1970; 8:50 a.m.]

PART 33—SPORT FISHING

Valentine National Wildlife Refuge, Nebr.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual refuge areas.

NEBRASKA

VALENTINE NATIONAL WILDLIFE REFUGE

Sport fishing on the Valentine National Wildlife Refuge, Nebr., is permitted only on the areas designated by signs as open to fishing. These open areas comprising 2,880 acres of water area on the refuge, are delineated on maps available at the refuge headquarters and from the Office of the Regional Director, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge during daylight hours only, from January 1, 1971, through December 31, 1971, in those waters posted as open, except that all fishing is prohibited

RULES AND REGULATIONS

during the regular State duck hunting season.

(2) Hook and line, bow and arrow, and hand spearing fishing only are permitted.

(3) Boats are permitted on lakes opened to sport fishing, but boats with motors are prohibited.

(4) The use or possession of minnows, fish, or parts thereof, for bait, or the possession of any seine or net for capturing minnows is prohibited.

The provisions of this special regulation supplement the regulations which

govern sport fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1971.

NED I. PEABODY,
Refuge Manager, Valentine Na-
tional Wildlife Refuge, Valen-
tine, Nebr.

JULY 9, 1970.

[F.R. Doc. 70-9845; Filed, July 29, 1970;
8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

REPLACEMENT OF PROPERTY INVOLUNTARILY CONVERTED WITHIN A 2-YEAR PERIOD

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] WILLIAM H. SMITH,
Acting Commissioner
of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 381 and 1033 of the Internal Revenue Code of 1954 to section 915 of the Tax Reform Act of 1969 (83 Stat. 723), such regulations are amended as follows:

PARAGRAPH 1. Section 1.381(c)(13)-1 is amended by revising paragraph (c)(2) and (3) to read as follows:

§ 1.381(c)(13)-1 Involuntary conversions.

(c) *Conversion into money or dissimilar property when disposition occurs after December 31, 1950*—(1) *General rule.* * * *

(2) *Replacement period.* The period during which the purchase of similar property or stock must be made in order to prevent the recognition of gain on the involuntary conversion terminates 2

years (or, in the case of a disposition occurring before Dec. 31, 1969, 1 year) after the close of the first taxable year in which any part of the gain upon the conversion is realized, or at the close of such later date as may be designated pursuant to an application of the taxpayer. See paragraph (c)(3) of § 1.1033(a)-2. Therefore, if, in a case to which this subparagraph applies, the first taxable year in which gain is realized is the taxable year of the distributor or transferor corporation ending with the close of the date of distribution or transfer, the acquiring corporation will have a maximum of only 2 years (or, in the case of a disposition occurring before Dec. 31, 1969, 1 year) after that date in which to purchase the similar property or stock, unless an extension of time has been granted upon application by the distributor, transferor, or acquiring corporation within the time prescribed. See paragraph (a) of § 1.381(b)-1 as to the termination of the taxable year of the distributor or transferor corporation. See paragraph (c)(3) of § 1.1033(a)-2 as to applications to extend the period within which to replace the converted property. In addition to the information otherwise required under paragraph (c)(3) of § 1.1033(a)-2, the application shall contain sufficient detail in connection with the distribution or transfer to establish that section 381(c)(13) applies to the involuntary conversion involved.

(3) *Examples.* The application of this paragraph may be illustrated by the following examples:

Example (1). A and B Corporations compute their taxable income on the basis of the calendar year, and both corporations use the cash method of accounting. During 1970 property of A Corporation is destroyed by fire, and in January 1971, A Corporation receives \$15,000 from an insurance company as compensation for its loss of property. The adjusted basis of the property on the date of destruction is \$10,000; as a consequence, A Corporation realizes a gain of \$5,000 on the involuntary conversion. On June 30, 1971, B Corporation acquires all of the assets of A Corporation in a reorganization to which section 381(a) applies. In accordance with paragraph (c)(2) of § 1.1033(a)-2, A Corporation reports in its return for the short taxable year ending June 30, 1971, all the details in connection with the involuntary conversion but does not include the realized gain in gross income, thereby electing to have the gain recognized only to the extent provided in section 1033(a)(3). On June 15, 1973, B Corporation purchases for \$20,000 property which is similar or related in service or use of the property previously destroyed. In its return for 1973, B Corporation reports all of the details in connection with its replacement of the property, as required by paragraph (c)(2) of § 1.1033(a)-2. As a result of this replacement by B Corporation, none of the gain realized by A Corporation is recognized. The replacement property which is purchased by B Corporation has a basis to that corporation of \$15,000 on the date of its purchase, that is, the cost of such property (\$20,000) decreased by the amount of gain

not recognized to A Corporation on the involuntary conversion (\$5,000).

Example (2). Assume the same facts as in example (1), except that B Corporation does not purchase similar property on or before June 30, 1973, and does not apply on or before that date (in accordance with paragraph (c)(3) of § 1.1033(a)-2) for an extension of time in which to make a replacement. In such event, the gain realized by A Corporation is recognized to that corporation for its taxable year ending June 30, 1971. A Corporation's tax liability for such taxable year must be recomputed in accordance with paragraph (c)(2) of § 1.1033(a)-2 in order to reflect this additional income.

Example (3). Assume the same facts as in example (1), except that the property of A Corporation is destroyed in 1968, A Corporation receives the \$15,000 from an insurance company in January 1969, B Corporation acquires all of the assets of A Corporation on June 30, 1969, and A Corporation's return is filed for the short taxable year ending June 30, 1969. B Corporation would have to purchase property which is similar or related in service or use to the property previously destroyed by June 30, 1970, in order to take advantage of the provisions of section 1033.

Example (4). M and N Corporations compute their taxable income on the basis of the calendar year, and both corporations use the cash method of accounting. During 1969, property of M Corporation is destroyed by fire. The adjusted basis of the property on the date of destruction is \$10,000. The property is insured against loss by fire, but the insurance claim is not satisfied on or before June 30, 1970, the date on which N Corporation acquires all of the assets (including the insurance claim) of M Corporation in a reorganization to which section 381(a) applies. On September 1, 1971, N Corporation receives \$15,000 from the insurance company as compensation for the fire loss suffered by M Corporation. Upon receipt of the insurance proceeds, N Corporation realizes a gain of \$5,000 upon the involuntary conversion; however, in its return for 1971, N Corporation elects under the provisions of paragraph (c)(2) of § 1.1033(a)-2 to have the gain recognized only to the extent provided by section 1033(a)(3). On December 30, 1973, N Corporation purchases for \$20,000 property which is similar or related in service or use to the property previously destroyed in the hands of M Corporation. As a result of this replacement by N Corporation, none of the gain realized by N Corporation in 1971 is recognized. The replacement property which is purchased by N Corporation has a basis to that corporation of \$15,000 on the date of its purchase, that is, the cost of such property (\$20,000) decreased by the amount of gain not recognized to N Corporation on the involuntary conversion (\$5,000).

Example (5). R and S Corporations compute their taxable income on the basis of the calendar year, and both corporations use the cash method of accounting. During 1970 property of R Corporation is destroyed by fire. The adjusted basis of the property on the date of destruction is \$10,000. In anticipation of taking the benefit of section 1033(a)(3), R Corporation purchases for \$20,000 on June 1, 1971, property which is similar or related in service or use to the destroyed property. In its return for 1971, R Corporation reports all of the details in connection with the replacement of the property, as required by paragraph (c)(2) of

§ 1.1033(a)-2. The property destroyed in 1970 is insured against loss by fire, but the insurance claim is not satisfied on or before March 1, 1972, the date on which S Corporation acquires all of the assets (including the insurance claim) of R Corporation in a reorganization to which section 381(a) applies. On October 1, 1972, S Corporation receives \$12,000 from the insurance company as compensation for the fire loss suffered by R Corporation. Upon receipt of the insurance proceeds, S Corporation realizes a gain of \$2,000 upon the involuntary conversion; however, in its return for 1972, S Corporation elects under the provisions of paragraph (c)(2) of § 1.1033(a)-2 to have the gain recognized only to the extent provided by section 1033(a)(3). As a result of the replacement by R Corporation, none of the gain realized by S Corporation in 1972 is recognized. Assuming there are no adjustments for depreciation, the replacement property has a basis on October 1, 1972, of \$18,000, that is, the cost of such property (\$20,000) decreased by the amount of gain not recognized to S Corporation on the involuntary conversion (\$2,000).

PAR. 2. Section 1.1033(a) is amended by revising section 1033(a)(3)(B)(i) and the historical note to read as follows:

§ 1.1033(a) Statutory provisions; involuntary conversions; general rule.

Sec. 1033. *Involuntary conversions*—(a) *General rule.* * * *

(3) *Conversion into money where disposition occurred after 1950.* * * *

(B) *Period within which property must be replaced.* * * *

(1) Two years after the close of the first taxable year in which any part of the gain upon the conversion is realized, or

(Sec. 1033(a) as amended by sec. 45, Technical Amendments Act 1958 (72 Stat. 1641); sec. 915 Tax Reform Act 1969 (83 Stat. 723))

PAR. 3. Section 1.1033(a)-2 is amended by revising so much of paragraph (c)(3) thereof as precedes subdivision (i), to read as follows:

§ 1.1033(a)-2 Involuntary conversion where disposition of the converted property occurred after December 31, 1950.

(c) *Conversion into money or dissimilar property.* * * *

(3) The period referred to in subparagraphs (1) and (2) of this paragraph is the period of time commencing with the date of the disposition of the converted property, or the date of the beginning of the threat or imminence of requisition or condemnation of the converted property, whichever is earlier, and ending 2 years (or, in the case of a disposition occurring before Dec. 31, 1969, 1 year) after the close of the first taxable year in which any part of the gain upon the conversion is realized, or at the close of such later date as may be designated pursuant to an application of the taxpayer. Such application shall be made prior to the expiration of 2 years (or, in the case of a disposition occurring before Dec. 31, 1969, 1 year) after the close of the first taxable year in which any part

of the gain from the conversion is realized, unless the taxpayer can show to the satisfaction of the district director—

[F.R. Doc. 70-9839; Filed, July 29, 1970; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

ANIMAL FEED LABELING

Collective Names for Feed Ingredients

Technological changes in the animal feed industry have resulted in the use of advance techniques in formulating mixed animal feeds. Computerization and linear programming has made possible great flexibility in day-to-day varying of ingredients. Requiring labeling of each formulation to bear the common or usual name of each feed ingredient, in accordance with section 403(i)(1) of the Federal Food, Drug, and Cosmetic Act, is therefore impractical.

To allow for ingredient variations while reflecting the feed composition, the Commissioner of Food and Drugs, in cooperation with the Association of American Feed Control Officials, Inc., proposes to adopt the use of collective names in the labeling of mixed animal feeds within the limitations permitted by section 403(i) of the act.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 403(i), 701(a), 52 Stat. 1048, 1055; 21 U.S.C. 343, 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that § 1.10(a) be revised and that new § 1.16 be established as follows:

§ 1.10 Food; labeling; designation of ingredients.

(a) The name of an ingredient (except a spice, flavoring, or coloring which is an ingredient of a food other than one sold as a spice, flavoring, or coloring) required by section 403(i)(2) of the act to be borne on the label of a food shall be a specific name and not a collective name; however, this provision does not apply if the food is a livestock feed within the meaning of section 201(x) of the act and meets the requirements for the use of collective names for certain feed ingredients as prescribed by § 1.16. If an ingredient (which itself contains two or more ingredients) conforms to a definition and standard of identity prescribed by regulations under section 401 of the act, such ingredient may be designated on the label of such food by the name specified in the definition and standard, supplemented, in case such regulations require the naming of optional ingredients present in such ingredient, by a statement

showing the optional ingredients which are present in such ingredient.

§ 1.16 Animal feed labeling; collective names for feed ingredients.

(a) An animal feed shall be exempt from the requirements of section 403(i)(2) of the act with respect to its label bearing the common or usual names of the animal feed ingredients listed in paragraph (b) of this section under the following prescribed conditions:

(1) The animal feed is intended solely for administration to livestock.

(2) The label of the animal feed bears the collective name(s) prescribed in paragraph (b) of this section in lieu of the corresponding common or usual names of the individual feed ingredients listed therein.

(3) The label of the animal feed otherwise conforms to the requirements of section 403(i)(2) of the act.

(4) The ingredients covered by the collective names provided for in paragraph (b) of this section do not contain any substances that are food additives as defined in section 201(s) of the act unless specifically provided for by regulation established pursuant to section 409 of the act.

(b) Each collective name referred to in this paragraph may be used for the purpose of labeling where two or more of the ingredients listed for that collective name are present. The animal feed ingredients listed under each of the collective names shall be subject to the definitions of feed ingredients as established by the Association of American Feed Control Officials Inc. The collective names are as follows:

(1) "Grain products" includes barley, grain sorghums, maize (corn), oats, rice, rye, and wheat.

(2) "Processed grain byproducts" includes brans, brewers dried grains, distillers grains, distillers solubles, flours, germ meals, gluten feeds, gluten meals, grits, groats, hominy feeds, malt sprouts, middlings, mill-run, pearled, polishes, and shorts.

(3) "Animal protein products" includes animal products as defined, marine products as defined (except fish oil), and milk products as defined.

(4) "Plant protein products" includes algae meals, coconut meals (copra), cottonseed meals, dried yeasts (brewers, distillers, and torula), linseed meals, peanut meals, soybean meals, and whole or dehulled pressed safflower seed.

(5) "Dried forage" and/or "roughage products" include alfalfa meals, cobs, entire plant meals, hays, hulls, husks, pulps, stem meals, and straws.

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding

this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: July 21, 1970.

SAM D. FINE,
Acting Associate Commissioner
for Compliance.

[F.R. Doc. 70-9807; Filed, July 29, 1970;
8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 10464]

HAWKER SIDDELEY DE HAVILLAND MODEL DH.104 "DOVE" AIRPLANES

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an Airworthiness Directive (AD) applicable to Hawker Siddeley de Havilland Model DH.104 "Dove" airplanes. There has been a report of failure of a flap datum hinge link similar to that which is used on the Model DH.104 "Dove" airplane which resulted in an asymmetric flap condition. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require inspection of the wall thickness of the bearing housing recess of the flap datum hinge links, replacement of defective links with serviceable links, and incorporation of Dove Modification 982 to introduce improved flap datum hinge assemblies on these airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before August 31, 1970, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

HAWKER SIDDELEY AVIATION, LTD. Applies to de Havilland Model DH.104 "Dove" airplanes.

To prevent failure of the flap datum hinge assemblies, unless already accomplished, accomplish the following within the next 3,000 hours' time in service after the effective date of this AD, or by March 31, 1971, whichever occurs first:

(a) Inspect the wall thickness of the bearing housing recess of both the right wing and left wing flap datum hinge links in accordance with Hawker Siddeley Aviation, Limited, Technical News Sheet CT(104) No. 216, Issue 1, June 8, 1970, or later ARB-approved issue or an FAA-approved equivalent. If the wall thickness is found to be less than 0.17 inches, replace the flap datum hinge link with a serviceable link of Modification 982 standard.

(b) Incorporate Modification 982 by replacing the flap datum hinge assemblies P/N 4WVF.16A(R.H.) and P/N 4WVF.15A(L.H.) with assemblies P/N 14WVF.456A(R.H.) and P/N 14WVF.455A(L.H.) in accordance with de Havilland Aircraft Co., Ltd., Modification No. Dove 982 dated August 20, 1956, or later ARB-approved issue or an FAA-approved equivalent.

Issued in Washington, D.C., on July 22, 1970.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 70-9827; Filed, July 29, 1970;
8:48 a.m.]

[14 CFR Part 39]

[Docket No. 10463]

HAWKER SIDDELEY DE HAVILLAND MODEL DH.114 "HERON" AIRPLANES

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an Airworthiness Directive (AD) applicable to Hawker Siddeley de Havilland Model DH.114 "Heron" airplanes. There has been a report of failure of a flap datum hinge link which resulted in an asymmetric flap condition. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require inspection of the wall thickness of the bearing housing recess of the flap datum hinge links, replacement of defective links with serviceable links, and incorporation of Heron Modification 837 to introduce improved flap datum hinge assemblies on these airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before August 31, 1970, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may

be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423 and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

HAWKER SIDDELEY AVIATION, LTD. Applies to de Havilland Model DH.114 "Heron" airplanes.

To prevent failure of the flap datum hinge assemblies, unless already accomplished, accomplish the following within the next 3,000 hours' time in service after the effective date of this AD, or by March 31, 1971, whichever occurs first:

(a) Inspect the wall thickness of the bearing housing recess of both the right wing and left wing flap datum hinge links in accordance with Hawker Siddeley Aviation, Ltd., Technical News Sheet Heron (114) No. CF. 14 Issue 1, June 15, 1970, or later ARB-approved issue or an FAA-approved equivalent. If the wall thickness is found to be less than 0.17 inch, replace the flap datum hinge link with a serviceable link of Modification 837 standard.

(b) Incorporate Modification 837 by replacing the flap datum hinge assemblies P/N 4WVF.16A(R.H.) and P/N 4WVF.15A(L.H.) with assemblies P/N 14WVF.456A(R.H.) and P/N 14WVF.455A(L.H.) in accordance with Hawker Siddeley Aviation, Ltd., Modification News Sheet, Modification No. Heron 837, dated June 15, 1956, or later ARB-approved issue or an FAA-approved equivalent.

Issued in Washington, D.C., on July 22, 1970.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 70-9828; Filed, July 29, 1970;
8:48 a.m.]

[14 CFR Part 39]

[Docket No. 10465]

S.N.I.A.S. SUD MODEL SE.210, MK VI-R "CARAVELLE" AIRPLANES

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to S.N.I.A.S. Sud Model SE. 210, MK VI-R "Caravelle" airplanes. There has been a report of a possible overheat condition of the Green and Blue hydraulic system fluid. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require installation of a fluid overheat detection system in the Green and Blue hydraulic system on these airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire.

Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before August 31, 1970, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

SOCIETE NATIONAL INDUSTRIELLE AEROSPATIALE (S.N.I.A.S.). Applies to SUD Model SE.210, MK. VI-R "Caravelle" airplanes.

To prevent a possible fire due to unnoticed overheating of a hydraulic system, within the next 500 hours' time in service after the effective date of this AD, unless already accomplished, incorporate S.A. Modification 1262 by installing a Green and Blue Hydraulic System Fluid Overhead Detection system in accordance with Sud Service-Caravelle Bulletin No. 29-70, Revision 8, dated August 1, 1969, or later SGAC-approved issue or an FAA-approved equivalent.

Issued in Washington, D.C., on July 22, 1970.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 70-9829; Filed, July 29, 1970;
8:48 a.m.]

[14 CFR Part 91]

[Docket No. 10462; Notice No. 70-29]

GENERAL OPERATING AND FLIGHT RULES

VFR Flight Beneath Clouds

The Federal Aviation Administration is considering amending the flight rules of Part 91 to prohibit VFR flight within a control zone beneath clouds that are less than 1,000 feet above the surface.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before September 28, 1970, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light

of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Under the flight rules of § 91.105(c) VFR flight is not permitted within a control zone beneath the ceiling when it is less than 1,000 feet above the surface. In addition, under the weather requirements of § 91.105(a) the flight cannot be flown less than 500 feet below any clouds.

As defined in Part 1 of the Federal Aviation Regulations, ceiling as used in § 91.105(c) means "the height above the earth's surface of the lowest layer of clouds or obscuring phenomena that is reported as 'broken,' 'overcast,' or 'obscuration,' and not classified as 'thin' or 'partial.'" However, under the summation method used in reporting ceilings, clouds that cover less than six-tenths of the sky at the point of observation are reported as scattered and, therefore, do not constitute a ceiling under the foregoing definition. As a result, an aircraft operated VFR within a control zone where, for example, the base of clouds covering five-tenths of the sky is at 900 feet, would be required to maintain the horizontal and vertical distances specified in § 91.105(a) but, since the cloud condition is not reported as a ceiling, could fly beneath the clouds contrary to the intent of § 91.105(c).

It appears that the use of the term "clouds" instead of "ceiling" in § 91.105(c) would provide the needed protection to aircraft operated VFR within a control zone under all cloud conditions, regardless of the amount of cloud cover. With this change, the rule as proposed would prohibit VFR flight within a control zone beneath clouds that are less than 1,000 feet above the surface, regardless of the reported ceiling. Moreover, this change would eliminate an unnecessary flight restriction in the present rule by permitting flight to or from a satellite airport in the control zone regardless of the reported ceiling for the primary airport if that flight is not conducted under any clouds that are less than 1,000 feet above the surface.

This proposal would not affect the distance from clouds requirements of § 91.105(a) as they apply to flights within controlled airspace. Thus a VFR flight would still be required to remain 500 feet from the base of the clouds unless a clearance was obtained to operate in accordance with § 91.107.

In consideration of the foregoing, it is proposed to amend § 91.105(c) of the Federal Aviation Regulations to read as follows:

§ 91.105 Basic VFR weather minimums.

(c) Except as provided in § 91.107, no person may operate an aircraft, under VFR in a control zone, beneath clouds that are less than 1,000 feet above the surface.

This amendment is proposed under the authority of sections 307 and 313 of the Federal Aviation Act of 1958; 49

U.S.C. 1348, 1354; and section 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c).

Issued in Washington, D.C., on July 23, 1970.

WILLIAM M. FLENER,
Director, Air Traffic Service.

[F.R. Doc. 70-9826; Filed, July 29, 1970;
8:48 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 544]

[No. 70-63]

FEDERAL SAVINGS AND LOAN SYSTEM

Bylaws for Charter K Associations

JULY 21, 1970.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend Part 544 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 544) for the purpose of codifying the prescribed bylaws for Federal savings and loan associations having a Charter K; for the purpose of changing the normal date of the annual meeting of such associations; for the purpose of revising the procedure for notice of annual and special meetings of such associations; and for the purpose of clarifying the procedure for amendment of the bylaws of such associations. Accordingly, the Board hereby proposes to amend said Part 544 by adding a new § 544.5-1 to read as follows:

§ 544.5-1 Prescribed form for associations having Charter K.

A Federal association that has a Charter K shall operate under the following prescribed bylaws, unless and until such bylaws are amended in accordance with the procedure therein set forth:

FEDERAL SAVINGS AND LOAN ASSOCIATION

1. *Annual meetings of members.* The annual meeting of the members of the association for the election of directors and for the transaction of any other business of the association shall be held at its home office at 2 o'clock in the afternoon on the third Wednesday in March of each year, if not a legal holiday, or if a legal holiday then on the next succeeding day not a legal holiday. The annual meeting may be held at such other time on such day or at such other place in the same community as the board of directors may determine. At each annual meeting, the officers shall make a full report of the financial condition of the association and of its progress for the preceding year, and shall outline a program for the succeeding year.

2. *Special meetings of members.* Special meetings of the members of the association may be called at any time by the president or the board of directors, and shall be called by the president, a vice president, or the secretary upon the written request of members holding of record in the aggregate at least one-tenth of the share capital of the association. Such written request shall state the purposes of the meeting and shall be delivered at the home office of the association addressed to the president.

3. *Notice of meetings of members.* (a) Notice of each annual meeting shall be given in accordance with regulations made by the Federal Home Loan Bank Board.

(b) Notice of each special meeting shall be published once a week for the 2 consecutive calendar weeks (in each instance on any day of the week) prior to the date on which such special meeting shall convene, in a newspaper printed in the English language and of general circulation in the city or county in which the home office of the association is located, and mailed postage prepaid at least 15 days and not more than 30 days prior to the date on which such special meeting shall convene to each of its members of record at his last address appearing on the books of the association. Such notice shall state the name of the association, the purpose or purposes for which the meeting is called, the place of the special meeting and the time when it shall convene. A similar notice shall be posted in a conspicuous place in each of the offices of the association during the 14 days immediately preceding the date on which such special meeting shall convene.

4. *Meetings of the board of directors.* The board of directors shall meet regularly without notice at the home office of the association at least once each month at the hour and date fixed by resolution of the board of directors, provided that the place of meeting may be changed by the directors. Special meetings of the board of directors may be held at any place in the territory in which the association may make loans specified in a notice of such meeting and shall be called by the secretary upon the written request of the president, or of three directors. All special meetings shall be held upon at least 3 days' written notice to each director unless notice be waived in writing before or after such meeting. Such notice shall state the place, time, and purposes of such meeting. A majority of the directors shall constitute a quorum for the transaction of business. The act of a majority of the directors present at any meeting at which there is a quorum shall be the act of the board of directors. All meetings of the members and of the board of directors shall be conducted in accordance with Robert's Rules of Order.

5. *Resignation of directors.* Any director may resign at any time by sending a written notice of such resignation to the office of the association delivered to the secretary. Unless otherwise specified therein, such resignation shall take effect upon receipt thereof by the secretary. More than three consecutive absences from regular meetings of the board of directors, unless excused by resolution of the board of directors, shall automatically constitute a resignation, effective when such resignation is accepted by the board of directors.

6. *Powers of the board.* The board of directors shall have power—

(a) To appoint and remove by resolution the members of an executive committee, the members of which shall be directors, which committee shall have and exercise the powers of the board of directors between the meetings of the board of directors;

(b) To appoint and remove by resolution the members of such other committees as may be deemed necessary and prescribe the duties thereof;

(c) To fix the compensation of directors, officers, and employees; and to remove any officer or employee at any time with or without cause;

(d) To extend leniency and indulgence to borrowing members who are in distress and generally to compromise and settle any debts and claims;

(e) To limit share payments which may be accepted;

(f) To reject any application for share accounts or membership; and

(g) To exercise any and all of the powers of the association not expressly reserved by the charter to the members.

7. *Execution of instruments, generally.* All documents and instruments or writings of any nature shall be signed, executed, verified, acknowledged, and delivered by such officers, agents, or employees of the association or any one of them and in such manner as from time to time may be determined by resolution of the board of directors. All notes, drafts, acceptances, checks, endorsements, and all evidences of indebtedness of the association whatsoever shall be signed by such officer or officers or such agent or agents of the association and in such manner as the board of directors may from time to time determine. Endorsements for deposit to the credit of the association in any of its duly authorized depositories shall be made in such manner as the board of directors may from time to time determine. Proxies to vote with respect to shares or accounts of other associations or stock of other corporations owned by or standing in the name of the association may be executed and delivered from time to time on behalf of the association by the president or a vice president and the secretary or an assistant secretary of the association or by any other person or persons thereunto authorized by the board of directors.

8. *Membership certificates.* One of the officers or an employee designated by the board of directors shall manually sign and deliver a membership certificate to each person upon the initial payment on a share account of the association or upon the making of a real-estate loan by the association.

9. *Seal.* The seal shall be two concentric circles between which shall be the name of the association. The year of incorporation, the word "incorporated", or an emblem may appear in the center.

10. *Amendment.* These bylaws may be amended at any time by a two-thirds affirmative vote of the board of directors, or by a vote of the members of the association. Each and every amendment shall be subject to the approval of the Federal Home Loan Bank Board, and shall be ineffective until such approval shall be given, except that, without the approval of the Federal Home Loan Bank Board, section 1 of the bylaws may be amended so that the time of day for convening the annual meeting may be fixed at any hour not earlier than 10 a.m. or later than 9 p.m., and a new section providing for a bonus may be added as provided in the rules and regulations for Federal savings and loan associations. These bylaws may also be amended by regulations made by the Federal Home Loan Bank Board.

We the undersigned officers, respectively, of the _____ Federal Savings and Loan Association _____, do hereby certify that the foregoing is a true and correct copy of the bylaws of said association.

[SEAL]

(President)

(Secretary)

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-1948 Comp., p. 1071)

Resolved further that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, D.C. 20552, by September 15, 1970, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above ad-

dress unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[F.R. Doc. 70-9857; Filed, July 29, 1970;
8:51 a.m.]

[12 CFR Parts 544, 545]

[No. 70-61]

FEDERAL SAVINGS AND LOAN SYSTEM

Certain Bylaw Provisions and Conflict of Interest Situations

JULY 21, 1970.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend Parts 544 and 545 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR Parts 544 and 545) for the purpose of changing the normal date of the annual meeting of Federal savings and loan associations; for the purpose of revising the procedure for notice of annual and special meetings of such associations; for the purpose of clarifying the procedure for amendment of the bylaws of such associations; and for the purpose of deleting certain regulatory provisions relating to conflicts of interest, in view of a companion regulatory proposal to include the substance thereof in Subchapter D of Chapter V of Title 12 of the Code of Federal Regulations (12 CFR Chapter V, Subchapter D). Accordingly, the Board hereby proposes to amend said Parts 544 and 545 as follows:

1. Amend § 544.5 by amending sections 1, 3, and 11 of the prescribed bylaws set forth in said section to read as follows:

1. *Annual meetings of members.* The annual meeting of the members of the association for the election of directors and for the transaction of any other business of the association shall be held at its home office at 2 o'clock in the afternoon on the third Wednesday in March of each year, if not a legal holiday, or if a legal holiday then on the next succeeding day not a legal holiday. The annual meeting may be held at such other time on such day or at such other place in the same community as the board of directors may determine. At each annual meeting, the officers shall make a full report of the financial condition of the association and of its progress for the preceding year, and shall outline a program for the succeeding year. Annual meetings of the members shall be conducted in accordance with Robert's Rules of Order.

3. *Notice of meeting of members.* (a) Notice of each annual meeting shall be given in accordance with regulations made by the Federal Home Loan Bank Board.

(b) Notice of each special meeting shall be published once a week for the 2 consecutive calendar weeks (in each instance on any day of the week) immediately prior to the week in which such special meeting shall convene, in a newspaper printed in the English language and of general circulation in

the city or county in which the home office of the association is located and mailed postage prepaid at least 15 days and not more than 30 days prior to the date on which such special meeting shall convene to each of its members of record at his last address appearing on the books of the association. Such notice shall state the name of the association, the purpose or purposes for which the meeting is called, the place of the special meeting and the time when it shall convene. A similar notice shall be posted in a conspicuous place in each of the offices of the association during the 14 days immediately preceding the date on which such special meeting shall convene.

11. *Amendment.* These bylaws may be amended at any time by a two-thirds affirmative vote of the board of directors, or by a vote of the members of the association. Each and every amendment shall be subject to the approval of the Federal Home Loan Bank Board, and shall be ineffective until such approval shall be given: *Provided*, That, without the approval of the Federal Home Loan Bank Board, section 1 of the bylaws may be amended so that the time of day for convening the annual meeting may be fixed at any hour not earlier than 10 a.m. or later than 9 p.m., and a section providing for a bonus may be added or repealed as provided in the rules and regulations for the Federal Savings and Loan System. These bylaws may also be amended by regulations made by the Federal Home Loan Bank Board.

2. Amend § 544.6 by revoking paragraph (g) thereof and by revising the language of said section which precedes paragraph (a) to read as follows:

§ 544.6 Amendment to bylaws.

This section constitutes approval by the Board of any one or more of the following amendments to the bylaws of any Federal association, but any such bylaw amendment adopted by a Federal association shall not be effective at any time after the withdrawal of the Board's approval thereof by amendment of this section to revoke any such bylaw amendment, and this section constitutes approval by the Board of an amendment repealing any provision of such association's bylaws providing for a bonus other than a bonus under the provisions of § 545.3 of this chapter, upon the valid adoption of any such amendment by such association's directors or members as provided in its bylaws, effective when so adopted: *Provided*, That the approval given by this section to the bylaw amendment set forth in paragraph (e) of this section shall be applicable only to a Federal association which has a charter in a form which is not inconsistent with the provisions of § 545.3 of this chapter and which, at the time such bylaw amendment becomes effective, does not have in its bylaws any other provision providing for the payment of a bonus on savings accounts of such association:

3. Revise paragraph (a) of § 545.6-5 to read as follows:

§ 545.6-5 Purchase of loans.

(a) *General provisions.* A Federal association may purchase any loan that it may make, unless expressly prohibited by other provisions of this part, and may also purchase any insured loan secured by a home or combination of home and business property located outside of its

regular lending area at an investment not exceeding the sum of (1) \$40,000 for each single-family dwelling, (2) an amount per dwelling unit within the limits set forth in section 207(c)(3) of the National Housing Act, with such increases therein as may be made from time to time by the Federal Housing Commissioner in accordance therewith, and (3) the percentage of value acceptable to the insuring agency of such part of the property as is not attributable to dwelling use. If a Federal association increases its savings accounts as a part of the purchase of any loan, it shall obtain such approval as is required by the rules and regulations for insurance of accounts.

4. Revoke § 545.6-8.

5. Revise § 545.6-10 to read as follows:
§ 545.6-10 Initial loan changes.

Borrowers may be required to pay the necessary initial charges in connection with the making of a loan, including the actual costs of title examination, appraisal, credit report, survey, drawing of papers, closing of the loan, and other necessary incidental services and costs in such reasonable amounts as may be fixed by the board of directors; such necessary initial charges may be collected by the association from the borrower and paid to any person, including any director, officer, employee, or other affiliated person (as defined in § 563.33 (a) of this chapter) rendering such services. Upon the closing of the loan, the association shall furnish the borrower a loan settlement statement showing in detail the charges or fees the borrower has paid or obligated himself to pay to the association or to any other person in connection with such loan; and a copy of such loan settlement statement shall be retained in the records of the association.

6. Revoke paragraph (g) of § 545.6-18.

7. Revise § 545.10 to read as follows:
§ 545.10 Office building.

A Federal association may invest in an office building or buildings, and appurtenances, for the transaction of such association's business, or for the transaction of such business and for rental: *Provided*, That no such investment may be made without the prior approval of the Board if the total amount of investment exceeds the aggregate amount of the association's general reserves and surplus.

8. Revoke § 545.23.

9. Amend § 545.27 to read as follows:
§ 545.27 Notice.

A Federal association shall give notice of each annual meeting of members in accordance with Part 569 of this chapter. In addition, a notice of the place of the annual meeting and of the time when it shall convene shall be posted in a conspicuous place in each office of such Federal association during the 14 days immediately preceding the date on which such annual meeting shall convene.

(Sec. 5, Stat. 132, as amended; 12 U.S.C. 1464, Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

Resolved further that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, D.C. 20552, by September 15, 1970, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[F.R. Doc. 70-9855; Filed, July 29, 1970; 8:51 a.m.]

[12 CFR Parts 563, 569, 571]

[No. 70-62]

**FEDERAL SAVINGS AND LOAN
INSURANCE CORPORATION**

**Conflicts of Interest, Annual Reports,
and Proxies**

JULY 21, 1970.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend the Rules and Regulations for Insurance of Accounts (12 CFR Chapter V, Subchapter D) by amending Parts 563 and 571 and by adding a new Part 569 for the purpose of regulating certain transactions among insured institutions, affiliated persons of such institutions and members of such institutions; for the purpose of requiring that annual reports and notice of annual meetings be sent to security holders of insured institutions; for the purpose of regulating proxies and proxy solicitation respecting voting rights in insured institutions; and for the purpose of clarifying the policy of the Board regarding conflicts of interest. Accordingly, the Board proposes to amend said Rules and Regulations for Insurance of Accounts as follows:

1. Amend Part 563 by adding, immediately after § 563.32 thereof, new §§ 563.33, 563.34, and 563.35, to read as follows:

§ 563.33 Transactions with affiliated persons.

(a) *Definitions.* For the purposes of this section—

(1) *Affiliated person.* The term "affiliated person" means:

(i) Any director, officer, employee, or controlling person of an insured institution or any attorney regularly serving the institution in the capacity of attorney at law;

(ii) Any member of the immediate family of any of the persons enumerated in subdivision (i) of this subparagraph;

(iii) Any partnership in which any of the persons enumerated in subdivisions (i) and (ii) of this subparagraph are general or limited partners; and

(iv) Any corporation in which 10 percent or more of the stock is directly or

indirectly owned or controlled by any of the persons enumerated in subdivisions (i), (ii), or (iii) of this subparagraph, acting either individually or in concert.

(2) *Controlling person.* The term "controlling person" means any person who, directly or indirectly or acting in concert with one or more other persons, owns, controls, or holds (with the power to vote) more than 25 percent of the voting shares of an insured institution or proxies representing such shares.

(3) *Immediate family.* The term "immediate family" means (i) father, mother, son, daughter, brother, sister, grandparent, or grandchild (whether by the full or half blood or by way of adoption) and (ii) husband or wife, or the husband or wife of any of the persons enumerated in subdivision (i) of this subparagraph.

(b) *Prohibited transactions.* No insured institution may, directly or indirectly—

(1) Make a real estate loan to an affiliated person except as follows:

(i) A real estate loan may be made to an employee on the security of a first lien on a home (as defined in § 541.10-2 of this chapter) or combination of home and business property (as defined in § 541.11-1 of this chapter) owned and occupied by such employee, and, as an additional form of compensation, such loan may be on terms more favorable than prevailing market terms;—

(ii) A real estate loan may be made to an affiliated person (other than an employee) on the security of a first lien on a home (as defined in § 541.10-2 of this chapter) or on combination of home and business property (as defined in § 541.11-1 of this chapter) owned and occupied by such affiliated person, but such loan may not be on terms more favorable than prevailing market terms; and

(iii) Real estate loans may be made to an affiliated person which is a service corporation if such loans, together with all other loans to and investments in service corporations by the insured institution, do not exceed the limitations imposed on a Federal savings and loan association by § 545.9-1 of this chapter. For the purposes of this subdivision, the term "service corporation" means a service corporation in which a Federal savings and loan association is authorized to invest pursuant to § 545.9-1 of this chapter or a similar service corporation in which an insured institution other than a Federal savings and loan association is authorized to invest under the laws of the State in which it is located.

(2) Purchase or lease from, or sell to, an affiliated person any real property or any interest in real property, except as is otherwise provided in paragraph (c) of this section;

(3) Participate with an affiliated person in the purchase of any real property;

(4) Enter into any contract with an affiliated person for the improvement of any real property;

(5) Participate with an affiliated person in any loan;

(6) Purchase from an affiliated person any loan or participation interest in any loan;

(7) Pay an affiliated person, or knowingly permit him to receive from any other source: (i) Any fee or other compensation of any kind in connection with the procuring of any loan from or by such insured institution;

(ii) Any discount, rebate, or commission on any initial loan charge paid by a borrower (or any other person) in connection with the making of a loan; or

(8) Pay a greater rate of return on any savings account held by an affiliated person than that paid to other holders of similar savings accounts in such institution.

(c) *Exception for office building.* (1) Notwithstanding any prohibition contained in paragraph (b) (2) of this section, an insured institution may, with the prior written approval of the Corporation, purchase or lease from an affiliated person any office building or any portion thereof or any land on which to erect an office building.

(2) Any request for such Corporation approval shall be filed with a Supervisory Agent of the Corporation at the Federal Home Loan Bank of the district in which the institution is located.

§ 563.34 Selection of depository.

(a) Except with the prior written approval of the Corporation, no insured institution may deposit any of its funds with a depository in which any affiliated person (as defined in § 563.33) is an officer, partner, director, trustee, or owner of 10 percent or more of the stock.

(b) Any request for such Corporation approval shall be filed with a Supervisory Agent of the Corporation at the Federal Home Loan Bank of the district in which the institution is located.

§ 563.35 Certain conditions prohibited.

(a) No insured institution or director, officer or employee thereof may require, as a condition to the granting of any loan or extension of any other service by the institution, that a borrower contract for any of the following with any specific company, firm, agency, or person:

- (1) Insurance;
- (2) Building materials;
- (3) Legal services; or
- (4) Services of a real estate agent.

(b) The prohibition contained in subparagraph (3) of paragraph (a) of this section shall not be construed to apply to a requirement by the institution that a borrower pay an initial loan charge to reimburse the institution for legal services rendered to the institution by an attorney selected by the institution in connection with the processing and closing of a loan (such as title examination and drafting of the mortgage instrument).

2. Add a new Part 569 to read as follows:

PART 569—ANNUAL REPORTS AND PROXIES

- Sec.
569.1 Definitions.
569.2 Requirement of annual report; financial statements; notice of annual meeting.
569.3 Form and content of annual report.
569.4 Requirements as to proxies.
569.5 Requirements as to proxy soliciting material.

Sec.

569.6 Mailing communications for security holders.

AUTHORITY: The provisions of this Part 569 issued under secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended; 12 U.S.C. 1725, 1726, 1730. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071.

§ 569.1 Definitions.

As used in this part—

(a) *Security holder.* The term "security holder" means any person having the right to vote in the affairs of an insured institution by virtue of (1) ownership of any security of the institution or (2) any indebtedness to the institution.

(b) *Person.* The term "person" includes, in addition to natural persons, institutions, corporations, partnerships, pension funds, profit-sharing funds, trusts, and any other group of associated persons of whatever nature.

(c) *Proxy.* The term "proxy" includes every proxy, consent, or authorization to exercise voting rights in the affairs of an insured institution. The consent or authorization may take the form of failure to dissent or object.

(d) *Solicit; solicitation.* The terms "solicit" and "solicitation" refer to (1) any request for a proxy whether or not accompanied by or included in a form of proxy; (2) any request to execute or not to execute or to revoke a proxy; or (3) the furnishing of a form of proxy or other communication to security holders under circumstances reasonably calculated to result in the procurement, withholding or revocation of a proxy. The terms do not apply, however, to the furnishing of a form of proxy to a security holder upon the unsolicited request of such security holder or the performance by any person of ministerial acts on behalf of a person soliciting a proxy.

(e) *Officer.* The term "officer" means a Chairman of the Board, Chairman of the Executive Committee, President, Managing Officer, Vice President (except as provided in the following sentence), Treasurer, Secretary, or any other person who participates in major policy-making functions of an insured institution. In some institutions (particularly institutions with officers bearing titles such as Executive Vice President, Senior Vice President, or First Vice President) some or all of the "Vice Presidents" do not participate in major policy-making functions and no such person is an "officer" for the purposes of this part.

(f) *Affiliate.* The term "affiliate" of a specified insured institution means any person which controls, is controlled by, or is under common control with, such institution.

§ 569.2 Requirement of annual report; financial statements; notice of annual meeting.

(a) Each insured institution having assets of \$10 million or more shall annually mail a written report to every security holder (except security holders who are security holders solely by virtue of any indebtedness to the institution) containing, as a minimum, the financial and other information required by § 569.3. The annual report shall be mailed

in time to be received by the institution's security holders 20 days before the institution's annual meeting or 60 days after the close of the fiscal year, whichever date is sooner.

(b) Each insured institution having assets of less than \$10 million shall annually either mail to each security holder, or publish in a newspaper printed in the English language and of general circulation in the county in which the institution's home office is located, financial statements as prescribed in § 569.3, together with a notice of the time, date and place of the institution's annual meeting. Such mailing or publication shall occur at least 20 days before the institution's annual meeting or 60 days after the close of the fiscal year whichever date is sooner.

(c) (1) Not later than the date on which an insured institution first mails the annual report required by paragraph (a) of this section to its security holders, such institution shall mail three copies of such report to a Supervisory Agent of the Corporation at the Federal Home Loan Bank of the district in which the institution is located. Copies of the annual report will be available for public inspection at the office of the Supervisory Agent.

(2) Within 5 days after the mailing or publication of the financial statements and notice of meeting required by paragraph (b) of this section, each insured institution (with assets of less than \$10 million) shall send to a Supervisory Agent of the Corporation at the Federal Home Loan Bank of the district in which the institution is located a certification, on forms prescribed by the Corporation, that the mailing or publication has occurred, together with a copy of the material mailed or published.

§ 569.3 Form and content of annual report.

(a) Each annual report required under § 569.2(a) shall contain the items of information required by the following form. This form is not to be used as a blank form but as a guide in the preparation of the annual report. The report shall contain the numbers and captions of all items of information in the form but the text of any such item may be omitted if such item is inapplicable and the report so states. Except as otherwise noted, information shall be given as of the end of an insured institution's fiscal year or as of the latest practicable date subsequent thereto.

ANNUAL REPORT

For the fiscal year ended.....

(Exact name of insured institution as specified in charter)

(Address)

Item 1. *Annual Meeting.* State the time, date, and place of the next annual meeting of the security holders.

Item 2. *Securities Outstanding.* As to each class of permanent stock, guaranty stock, permanent reserve stock, or any similar type of capital stock or nonwithdrawable capital issued by the institution, state the title of

each class and the number of holders of record of each such class.

Item 3. *Financial Statements.* Set out, in columnar form, a statement of condition as of the close of the last fiscal year prepared in accordance with generally accepted accounting principles or as otherwise required by the Corporation. The accuracy of this statement shall be certified by the institution's Chief Financial Officer, Financial Vice President, or other officer or employee having principal responsibility for the maintenance of the institution's accounts.

Item 4. *Availability of Other Information.* (a) Set forth a statement that security holders may obtain from the institution further information regarding the corporate structure of the institution; any material changes in the business of the institution during the last fiscal year; the principal holders of voting securities of the institution; the directors of the institution; and the aggregate remuneration of officers and directors of the institution from affiliated businesses.

(b) Describe the methods by which this information may be obtained by the security holders. At a minimum, these methods shall be as follows: the security holder may write to the institution, requesting the information, and receive copies of it by mail; and the security holders may obtain copies upon request by visiting the home office of the institution during normal business hours.

(c) State whether or not a material change in the business of the institution, as defined in § 569.3(b)(2) of the Rules and Regulations for Insurance of Accounts, has occurred during the last fiscal year and indicate which of the material changes therein defined has occurred.

Item 5. *Signatures.* Provide the written, printed, or facsimile signature of the Chairman of the Board, the President, Managing Officer or other chief executive officer of the institution.

(b) The following information shall be made available under Item 4 of the annual report required by § 569.2(a):

(1) *Corporate structure.* A list or diagram of the relationship of the institution to all affiliates and, as to each affiliate named, an indication of the percentage of voting securities owned or other basis of control which establishes the affiliate relationship.

(2) *Changes in business.* A brief description of any material changes during the fiscal year in the business of the institution and its affiliates. The term "material change" includes:

(i) A change in control of the institution for which a report is required to be filed under § 563.18-1 (a) or (b) of this chapter;

(ii) The acquisition or disposition of a significant amount of assets by the institution or any of its affiliates, otherwise than in the ordinary course of business;

(iii) Any significant legal proceeding, other than routine litigation incidental to the business, to which the institution or any of its affiliates has become a party or to which any of their property has become subject;

(iv) The termination of any such legal proceeding previously reported;

(v) (a) Any default in the payment of principal, interest, or a sinking or purchase fund installment, or (b) any other default not cured within 30 days with respect to any indebtedness of the institution or any of its affiliates which exceeds 5 percent of the total assets of the

institution and its consolidated affiliates;

(vi) A material modification, whether through the issuance or modification of any class of securities or otherwise, in the constituent instruments defining the rights of holders of any class of securities of the institution or any of its affiliates (except accounts of an insurable type);

(vii) An increase or decrease in the outstanding amount of any class of securities of the institution (including accounts of an insurable type) which exceeds 5 percent of the amount of each such class of securities outstanding as of the end of the previous fiscal year; and

(viii) A revaluation in material amount of the assets of the institution or of any of its affiliates.

(3) *Principal holders of voting securities.* (i) *Stock institutions.* If any person owns of record, or is known by the institution to own beneficially, more than 10 percent of the outstanding voting securities of a stock institution or any of its affiliates, the name of each such person, the approximate amount of such securities owned of record but not owned beneficially, the approximate amount owned beneficially, and the percentage of outstanding voting securities represented by the amount owned by him in each such manner.

(ii) *Mutual institutions.* (a) If any person or group of persons holds more than 10 percent of the proxies respecting voting rights in a mutual institution, the name of each such person or group of persons and the approximate amount of proxies held by each such person or group of persons.

(b) If any person owns of record, or is known by the institution to own beneficially, more than 10 percent of the outstanding voting securities in any of the affiliates of the institution, the name of each such person, the approximate amount owned of record but not beneficially, the approximate amount owned beneficially, and the percentage of outstanding voting securities represented by the amount owned by him in each such manner.

(4) *Directors of the institution.* (1) The name of each director of the institution, the date on which his present term of office will expire, his age, and a list of all other positions and offices with the institution presently held by him.

(ii) His present principal occupation or employment and the name and principal business of any corporation or other organization in which such employment is carried on.

(iii) (a) *Stock institutions.* As of the most recent practicable date, the approximate total amount of each class of voting securities of the institution or any of its affiliates, other than directors' qualifying shares, owned directly and beneficially by him.

(b) *Mutual institutions.* As of the most recent practicable date, the approximate percentage of all the proxies respecting voting rights in the institution held by him individually or as a member of a group or committee of proxy holders. State also the approximate total amount of each class of voting securities of any

of the institution's affiliates owned directly and beneficially by him.

(5) *Remuneration of directors and officers.* (i) The aggregate personal remuneration paid by all affiliates of the institution during the last fiscal year for services in all capacities to all of the officers and directors of the institution as a group and without naming them, but stating the number of persons so included. The amount of remuneration shall be net of any ordinary business expenses incurred in the production of the income, calculated in accordance with generally accepted accounting principles.

(ii) The amount set aside or accrued during the last fiscal year for all pension and retirement benefits to be paid by all affiliates of the institution to all directors and the three highest paid officers, as a group and without naming them, but stating the number of persons included.

§ 569.4 Requirements as to proxies.

Every form of proxy solicited by any person with respect to voting rights in an institution shall conform to the following requirements:

(a) The proxy shall be revocable at will by the person giving it. The power to revoke may not be conditioned on any event or occurrence or otherwise limited;

(b) The proxy may not be part of any other document or instrument (such as an account card) and shall be clearly labeled "Revocable Proxy" in boldface type (at least as large as 18 point); and

(c) The proxy may not designate a corporation, partnership, or any person other than a natural person to act on behalf of the security holder.

§ 569.5 Requirements as to proxy soliciting material.

No solicitation of a proxy with respect to any voting rights in an institution shall be made by means of any statement, form of proxy, notice of meeting, or other communication, written or oral, by or from any person which:

(a) Solicits any undated or post-dated proxy;

(b) Solicits any proxy that provides that it shall be deemed to be dated as of any date subsequent to the date on which it is signed by the security holder; or

(c) Contains any statement that, at the time and in light of the circumstances under which it is made, is false or misleading with respect to any material fact, or that omits to state any material fact necessary in order to make the statements therein not false or misleading or necessary to correct any statement in any earlier communication with respect to the solicitation of a proxy for the same meeting or subject matter that has become false or misleading.

§ 569.6 Mailing communications for security holders.

(a) An insured institution shall perform such of the following acts as may be requested in writing by any security holder, who shall first defray the reasonable expenses to be incurred by the institution in the performance of the act or acts requested:

(1) The institution shall mail or otherwise furnish to such security holder the

following information as promptly as possible after the receipt of such request:

(i) A statement of the approximate number of holders of record of any class of securities, any of the holders of which have been or are to be solicited on behalf of the management, or any group of such holders that the security holder shall designate;

(ii) If the management of the institution has made or intends to make, through bankers, brokers, or other persons, any solicitation of the beneficial owners of securities of any class, a statement of the approximate number of such beneficial owners, or any group of such owners that the security holder shall designate; and

(iii) An estimate of the cost of mailing a specified proxy statement, form of proxy, or other communication to such holders, including insofar as known or reasonably available, the estimated handling and mailing costs of the bankers, brokers, or other persons specified in subdivision (ii) of this subparagraph.

(2) (i) The institution shall mail copies of any proxy statement, form of proxy, or other communication furnished by the security holder to such of the holders of record specified in subparagraph (1) (i) of this paragraph as the security holder shall designate. The institution shall also mail to each banker, broker, or other persons specified in subparagraph (1) (ii) of this paragraph, a sufficient number of copies of such proxy statement, form of proxy, or other communication as will enable the banker, broker, or other person to furnish a copy thereof to each beneficial owner solicited or to be solicited through him;

(ii) The institution shall mail any such material that is furnished by the security holder with reasonable promptness after receipt of such material, envelopes, or other containers therefor, and postage or payment for postage.

(iii) Neither the management nor the institution shall be responsible for such proxy statement, form of proxy, or other communication.

(b) Notwithstanding the provisions of paragraph (a) of this section, no insured institution shall be required to mail any part of a security holder's material that is improper. If the improper part or parts cannot be separated from the whole of such material, the institution is not required to mail any of such material. A part of the security holder's material is deemed to be improper—

(1) If any proposal contained therein is impossible to accomplish or, under applicable law, is not a proper subject for action by security holders;

(2) If any proposal contained therein consists of a recommendation or request that the management take action with respect to a matter relating to the conduct of the ordinary business operations of the institution;

(3) If it appears that any proposal contained therein is submitted by the security holder principally for the purpose of enforcing a personal claim or redressing a personal grievance against the institution or its management, or principally for the purpose of prompting general economic, political, racial, religious, social, or similar causes;

(4) If the management has mailed any proposal contained therein to the security holders prior to either of the two preceding annual meetings of security holders or any special meeting held subsequent to the earlier of such two annual meetings, and the security holder has failed without good cause to present the proposal, in person or by proxy, for action at the meeting;

(5) If substantially the same proposal has previously been submitted to security holders prior to any meeting of security holders held within the preceding 5 calendar years, it may be omitted from the proxy statement relating to any meeting of security holders held within the 3 calendar years after the latest such previous submission if: (i) The proposal was submitted at only one meeting during such preceding period and received less than 5 percent of the total number of votes cast in regard thereto, or (ii) the proposal was submitted at only two meetings during such preceding period and received at the time of its second submission less than 10 percent of the total number of votes cast in regard thereto, or (iii) the proposal was submitted at three or more meetings during such period and received at the time of its latest submission less than 20 percent of the total number of votes cast in regard thereto;

(6) If, prior to the receipt of any proposal contained therein, substantially the same proposal has been received by the management from another security holder and is to be included in the institution's proxy soliciting material; or

(7) If any proposal contained therein is false, misleading, or slanderous in any material respect.

(c) The rights afforded to security holders of an insured institution by this section are cumulative to any other rights provided by law and shall not be construed in derogation of any such rights.

3. Revise § 571.7 to read as follows:

§ 571.7 Conflicts of interest.

(a) The Board has a paramount interest in the prevention and elimination of practices and conditions which adversely affect: the interests of members in insured institutions; the soundness of such institutions; the provision of economical home financing for the nation; and the accomplishment of the other purposes of title IV of the National Housing Act, as amended.

(b) Among the practices and conditions which have such adverse effects are conflicts between the accomplishment of the purposes of title IV set forth in paragraph (a) of this section and the personal financial interests of directors, officers, and other affiliated persons of insured institutions. Conflicts of this type which have demonstrably resulted in such adverse effects are considered by the Board to be inherently unsafe and unsound practices and conditions. The Board accordingly holds that each director, officer, or other affiliated person of an insured institution has a fundamental duty to avoid placing himself in a position which creates, or which leads to or could lead to, a conflict of interest

or the appearance of a conflict of interest having such adverse effects.

(c) The Board recognizes that it is impossible to define every practice or condition which falls within the broad concept of objectionable conflict of interest. The Board has nevertheless issued various regulations to limit or prohibit certain conflicts of interest to reflect its conclusion that the conflicts so limited or prohibited are especially inimical to the accomplishment of the purposes of title IV. However, the omission by the Board to specifically limit or prohibit other conflicts of interest should not be interpreted as tacit approval thereof. The Board or its Supervisory Agents will continue to examine those conflict-of-interest situations which are not specifically limited or prohibited under the regulations and will, when circumstances so warrant, take appropriate action to prevent, circumscribe or eliminate such situations.

(Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended; 12 U.S.C. 1725, 1726, 1730. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

Resolved further that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, D.C. 20552, by September 15, 1970, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[F.R. Doc. 70-9856; Filed, July 29, 1970;
8:51 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Parts 154, 157, 250]

[Docket No. R-393]

EXEMPTION OF SMALL PRODUCERS FROM REGULATION

Notice of Proposed Rule Making

JULY 23, 1970.

Notice is hereby given pursuant to 5 U.S.C. 553 and sections 4, 5, 7 and 16 of the Natural Gas Act that the Commission proposes prospectively to exempt from regulation under the Natural Gas Act all existing and all future jurisdictional sales made by small producers, as hereinafter defined. This would not include percentage sales made by small producers pursuant to percentage sales contracts. Nor would it include sales to interstate pipeline companies by their affiliates.

As a result of the promulgation of § 157.40 of the Commission's regulations under the Natural Gas Act (18 CFR 157.40) in Order No. 308 issued Octo-

ber 29, 1965 (34 FPC 1202) small producers were accorded some relief from the filing requirements in sections 4 and 7 of the Natural Gas Act for sales in the Permian Basin area. The groundwork for this relief was formulated in Opinion No. 468 (34 FPC 169). Subsequently, the same treatment was extended to sales in Southern Louisiana in Opinion No. 546 (40 FPC 530). Specifically, if a producer receives a small producer certificate pursuant to section 157.40, it may commence new jurisdictional sales in the Permian and Southern Louisiana areas at rates no higher than the applicable just and reasonable base rates determined in Opinions Nos. 468 and 546, respectively (plus upward B.t.u. adjustment for first and second vintage sales in Southern Louisiana). Such a certificate also eliminates the need for filing quality statements with respect to existing sales where otherwise required by those opinions, but this is significant only where the gas is below pipeline quality. It also obviates the need for a rate change filing up to the applicable ceiling but this is of little importance since there are few small producers collecting rates below the applicable ceiling who are contractually entitled to higher rates. The relief previously granted has been inadequate for small producers since they still bear many of the expenses and burdens of complying with regulatory requirements, particularly when they seek the same treatment accorded large producers. Such relief has also increased the difficulties inherent in processing small producer filings from an administrative viewpoint instead of decreasing these problems as was intended.

Mr. Justice Clark speaking for the Court in *F.P.C. v. Hunt*, 376 U.S. 515 (1964) recommended that the Commission consider procedures for the exemption of small producers. Our present proposal would relieve small producers in all areas of almost all of the expenses and burdens connected with regulatory matters after exemption is authorized. It should also facilitate more effective regulation of large producers by permitting us to expend our efforts with respect to natural gas production exclusively on such large producers. Small producers account for a relatively small share of the natural gas produced nationally. Moreover, as a practical matter, the small producer is normally not in a position to obtain more for the sale of its gas than the large producer whose jurisdictional sales are subject to the ceilings prescribed by the Commission in each area. The impact on the consumer of exempting small producers from regulation should thus be minimal. The exemption of small producers should also encourage them to increase their exploratory efforts which are important in the discoveries of new sources of gas.

Under our proposal small producers upon application therefor will be exempted by Commission order from all provisions of the Natural Gas Act and the Commission's regulations otherwise applicable to the jurisdictional sales covered by such exemptions, except for the requirement that they submit annually a document setting forth their total volume of jurisdictional sales. The exemp-

tion so ordered would continue as long as the small producer's jurisdictional sales do not exceed 10,000,000 Mcf in a calendar year when aggregated with all jurisdictional sales of affiliates as hereinafter defined. Should a producer cease to qualify as a small producer, it would be required to file separate certificate applications and individual rate schedules for future sales but the exemption previously granted would remain in effect for sales made under contracts dated prior to such termination.

If the rules proposed here are adopted, any order granting exemption to a small producer pursuant to such rules would provide for the exemption to be effective 45 days after the issuance of such order. In this connection we propose to allow pipeline purchasers to file rate increases which are limited to tracking rate increases resulting from the exemption of small producers by waiving, where necessary, the requirement for supporting schedules under § 154.63 of our regulations (18 CFR 154.63), provided such schedules are submitted within 4 months from the date of the pipeline's increased rate filing. Producers who have received small producer certificates under the present provisions of § 157.40 or who have applied and qualify but have not yet received such a certificate would not be required to file new applications unless otherwise directed in any order issued herein.

The exemption for small producers proposed here would include, *inter alia*, jurisdictional sales made by a small producer to a large producer. However, the resale of such gas by the large producer would remain subject to our jurisdiction. If there are any problems in this regard, large producers in their comments should discuss these problems.

We have not proposed any disposition of increased rates collected subject to refund in section 4(e) cases or initial rates collected under temporary certificates issued pursuant to section 7 by small producers for the period prior to the effective date of the exemption. The proceedings to which we refer here are those proceedings where the Commission has not yet taken any action and none is now pending as a result of an examiner's decision. Interested parties, however, in their comments are invited to address themselves to the questions of terminating such proceedings and relieving the small producers of any potential refund obligation therein.

Accordingly it is proposed to amend Part 154, Rate Schedules and Tariffs, Part 157, Applications for Certificates of Public Convenience and Necessity and for Orders Permitting and Approving Abandonment under section 7 of the Natural Gas Act, and Part 250, Forms, in Chapter 1, Title 18 of the Code of Federal Regulations in the manner set forth below.

The Commission also proposes to waive the provisions of § 154.63 of the Commission's regulations under the Natural Gas Act solely to the extent necessary to permit the tracking by pipeline purchasers and by pipelines purchasing from such pipeline purchasers of rate increases resulting from the exemption of small producers: *Provided*, That with respect to

such pipelines which are not presently authorized to track supplier increases either through approved settlements or outstanding orders of the Commission the supporting schedules required by § 154.63 shall be filed within 4 months from the date of such pipeline increased rate filing; and provided further that the rate or rates as revised by such tracking filings shall be collected subject to reduction and refund from the effective date of such increased rate or rates.

The proposed amendments to Parts 154 and 157 of Subchapter E, Regulations under the Natural Gas Act, and to Part 250 of Subchapter G, Approved Forms, Natural Gas Act, Chapter 1, Title 18 of the Code of Federal Regulations would be issued under the authority granted the Federal Power Commission by the Natural Gas Act, particularly sections 4, 5, 7, and 16 (52 Stat. 822, 823, 824, 825, 830, 56 Stat. 83, 84, 61 Stat. 459, 76 Stat. 72, 15 U.S.C. 717c, 717d, 717f and 717g).

All interested persons may submit to the Federal Power Commission, Washington, D.C. 20426, not later than September 8, 1970, data, views, comments, and suggestions, in writing, concerning the proposed amendments to the regulations and the proposed exemption application and annual statement forms. An original and nine conformed copies should be filed with the Commission. In addition, interested persons wishing to have their comments considered in the clearance of the proposed exemption application and annual statement forms under the provisions of the Federal Reports Act of 1942 may at the same time submit a conformed copy of their comments directly to the Clearance Officer, Office of Statistical Standards, Office of Management and Budget, Washington, D.C. 20503. Submissions to the Commission should indicate the name and address of the person to whom correspondence in regard to the proposal should be addressed, and whether the person filing them requests a conference at the Federal Power Commission to discuss the proposed amendments to the regulations and the proposed forms. The Commission will consider all such written submissions before acting on the matters herein proposed.

A. The following are proposed amendments to Part 157, Chapter 1, Title 18 of the Code of Federal Regulations. 1. Revise "§ 157.40, Small producer certificates of public convenience and necessity" so that it will read as follows:

§ 157.40 Exemption of small producers.

(a) *Definitions.* (1) A "Small Producer" is an independent producer of natural gas as defined in § 154.91 of this chapter, who is not affiliated with a natural gas pipeline company and whose total jurisdictional sales on a nationwide basis, together with such sales of "affiliated producers" are not in excess of 10,000,000 Mcf at 14.65 p.s.i.a. during any calendar year. As used in this section, the term "jurisdictional sales" includes volumes of gas paid for but not taken under prepayment clauses or otherwise, and volumes of gas sold under other independent producer rate schedules in the proportion that the independent producer seeking to come within this sec-

tion has an interest in such sales, but does not include sales made pursuant to percentage sales contracts.

(2) "Affiliated producers" are persons who, directly or indirectly, control, or are controlled by, or are under common control with, the applicant producer. Such control exists if the producer has the power to direct or cause the direction of, or as a matter of actual practice does direct, the management and policies of a person, whether such power is exercised alone or through one or more intermediary companies, or pursuant to an agreement, and whether such power or practice is established through a majority or minority ownership or voting of securities, common directors, officers or stockholders, voting trusts, holding trusts, associated companies, relationship of blood or marriage, or any other direct or indirect means. For the further purposes of this section, the term "agreement" shall not include any agreement for the operation of a natural gas producing property or a plant processing natural gas unless such agreement otherwise establishes the power to direct or cause the direction of the management and policy of a person.

(3) "Small producer sales" are (i) sales by a small producer of his own interests under his own contracts; (ii) sales of all interests under a small producer's contract if producers not qualifying as small producers have interests which in the aggregate are no greater than 12½ percent; and (iii) sales of a small producer's interests under another producer's contract.

(b) *Requirements for exemption.* Upon the approval of appropriate applications made pursuant to the provisions of this section, Small Producers will be granted exemption with respect to their "small producer sales" of natural gas in interstate commerce.

(1) Small producers may apply for exemption to cover all previous and all future jurisdictional sales, which do not raise the producer's total jurisdictional sales on a nationwide basis above 10,000,000 Mcf during any calendar year. Applications by these producers shall include the following information: (i) Total jurisdictional sales on a nationwide basis for the year preceding the application; (ii) a list of outstanding certificates and rate schedules together with names and percentage of interest of other interest owners under such rate schedules; (iii) a list of outstanding rate schedules of others in which applicant owns an interest together with applicant's percentage of interest; and (iv) the names of all owners (stockholders, partners, joint venturers, etc.) of the applicant with an interest of 10 percent or more, their percentage of ownership in the applicant and in any other natural gas company, and any positions such owners may hold with another natural gas company.

(2) An applicant for exemption who has no outstanding certificate issued by, or rate schedule filed with, this Commission for the sale of natural gas shall include the following information in his application:

(i) A list of all contracts to sell natural gas in interstate commerce,

(ii) Source of production, total rate and the annual volume delivery obligations of the producer under each such

contract, together with names and percentage of interest of other interest owners under each such contract, and

(iii) A list of owners of the applicant with an interest of 10 percent or more, their percentage of ownership in the applicant and in any other natural gas company and any position such owners may hold with another natural gas company.

(3) The application shall contain the information required by the form set out in § 250.10 of this chapter. A conformed copy shall be served upon each of the applicant's purchasers.

(c) *Duration of the exemption.* The exemption authorized hereunder shall remain in effect for small producer sales until the Commission on its own motion or on application terminates such certificate because the producer no longer qualifies as a small producer or fails to comply with the terms of the exemption. Upon such termination the producer will be required to file separate certificate applications and individual rate schedules for future sales but the exemption will still be effective as to those made under contracts dated prior to such termination.

B. The following are proposed amendments to Part 154, Chapter 1, Title 18 of the Code of Federal Regulations. 1. Revise paragraph (f) of §§ 154.91, 154.104 and 154.110. As revised, these portions of Part 154 will read:

§ 154.91 Applicability.

(f) *Filings by certain nonsignatories.* Where the operator and the signatory coowners in a particular sale have secured exemption pursuant to § 157.40 of this chapter covering the sale, and where any nonsignatory coowner's interests are not covered by such exemption, such coowner may file rate schedules, rate changes, or certificate applications with respect to such interests notwithstanding the provisions of paragraph (d) of this section.

§ 154.104 Annual statements by small producers.

Annual statements certifying to the matters enumerated in the form set out in § 250.11 of this chapter shall be filed by all producers, either individually or by groups, who have been exempted under the provisions of § 157.40 of this chapter. The statements shall be submitted by April 1 of each year for the preceding calendar year.

§ 154.110 Applicability of §§ 154.92 through 154.102.

Sections 154.92 through 154.102 shall apply only to those persons specified in § 154.91 and shall not apply to small producer sales which are exempted under § 157.40 of this chapter.

C. The following are proposed amendments to Part 250, Forms, Chapter 1, Title 18 of the Code of Federal Regulations.

1. Revise the title of § 250.10 to read: § 250.10 *Application for small producer exemption*, and revise the text of § 250.10 by substituting therefor the proposed form entitled "Application for Small Producer Exemption" all as set forth below.

PROPOSED RULE MAKING

§ 250.10 Application for small producer exemption.

(See § 157.40(b) (3))

NOTE: Independent Producers of natural gas whose total jurisdictional sales on a nationwide basis for the preceding calendar year, combined with those of "affiliated producers," were not in excess of 10,000,000 Mcf may file the information called for in this form for a Small Producer Exemption to sell gas (in four copies). Include volume of gas paid for but not taken under prepayment clauses or otherwise, and volumes of gas sold under other independent producer rate schedules in the proportion that the independent producer seeking to come within Section 157.40 has an interest in such sales. Do not include sales made pursuant to percentage sales contracts. If insufficient space is given for a complete answer, continue the answer on the reverse side or on a separate sheet, noting the relevant number.

1. NAME OF APPLICANT		2. STATE OF ORGANIZATION	
3. LOCATION OF PRINCIPAL PLACE OF BUSINESS		4. TYPE OF ORGANIZATION (Corporation, partnership, joint venture, etc)	
5. PERSON RESPONSIBLE FOR APPLICATION NAME AND TITLE		MAILING ADDRESS	
6. TOTAL JURISDICTIONAL SALES VOLUMES AT PSIA FOR CALENDAR YEAR PRECEDING APPLICATION. (If more than one applicant is to be covered by this exemption, give the total jurisdictional sales volumes of each applicant separately.)			
7. LIST ALL CERTIFICATES PRESENTLY HELD BY DOCKET NUMBER AND LIST ALL CONTRACTS ON FILE WITH THE COMMISSION AS RATE SCHEDULES BY RATE SCHEDULE NAME AND NUMBER. INCLUDE IN SUCH LISTING APPLICANTS' INTERESTS IN GAS SALES COVERED BY OTHER PRODUCERS' CERTIFICATES AND RATE SCHEDULES. LIST ALL INTEREST OWNERS AND THE AMOUNT OF THEIR INTEREST FOR EACH SALE TO BE COVERED BY THIS EXEMPTION. (See reverse side for reporting.)			
8. LIST ALL OWNERS OF MORE THAN 10 PERCENT INTEREST IN APPLICANT: (A) INDIVIDUAL NAME; (B) PERCENT OF OWNERSHIP			
9. LIST ALL INTEREST OWNED BY THE INDIVIDUALLY NAMED OWNERS IN OTHER NATURAL GAS COMPANIES: (A) INDIVIDUAL NAME; (B) COMPANY NAMES; (C) PERCENT OF APPLICANT OWNERSHIP.			
10. LIST FOR EACH OWNER THE POSITIONS HELD BY THESE INDIVIDUAL OWNERS IN APPLICANT COMPANY OR ANY OTHER NATURAL GAS COMPANY.			
11. IS APPLICANT OR ANY INDIVIDUAL OWNER LISTED, AFFILIATED WITH ANY PURCHASER OF JURISDICTIONAL GAS FROM APPLICANT? (If so list name of buyer and seller for each sale and nature of affiliation.)			
SIGNATURE		TITLE	DATE

FPC Form 314-A
(7-70)

SALES UNDER RATE SCHEDULE OF APPLICANT

APPLICANT	DOCKET NUMBER	RATE SCHEDULE NUMBER	INTEREST OWNERSHIP UNDER RATE SCHEDULE	
			NAME	PERCENT INTEREST

APPLICANTS SALES UNDER RATE SCHEDULE OF OTHERS

OTHER SELLER	DOCKET NUMBER	RATE SCHEDULE NUMBER	APPLICANTS PERCENT INTEREST IN RATE SCHEDULE
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NOTE: Place an asterisk (*) after each co-owners name whose interest is not to be covered by the Small Producer Exemption applied for.

2. Revise the title of § 250.11 to read:
§ 250.11 Annual statement for independent producers holding small producer exemptions, and revise the text of § 250.11 by substituting therefor the proposed form entitled "Annual statement for independent producers holding small producer exemptions" all as set forth below.

§ 250.11 Annual statement for independent producers holding small producers exemptions.

(See § 157.104 of this chapter.)

I hereby certify that total sales subject to the jurisdiction of the Federal Power Commission made by the undersigned and its affiliates for the calendar year 19____ were _____ Mcf at 14.65 gals.

I certify also that all sales for which certificates were not obtained were "small producer sales" as defined in Section 157.40.

(Name of Small Producer)

(Signed)

(Representative Capacity)

(Docket No.)

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-9740; Filed, July 29, 1970;
8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

I 50 CFR Part 17 I

CONSERVATION OF ENDANGERED SPECIES AND OTHER FISH OR WILDLIFE

Notice of Proposed Rule Making

By publication in the FEDERAL REGISTER, Appendix A of the regulations (the Endangered Species List) was amended by the deletion of all species of fish and wildlife which had not previously appeared in a notice of proposed rule making, with opportunity for public comment.

The Department of the Interior now proposes to further amend Appendix A by adding most of these same species back to the Endangered Species List as well as several additional species which are proposed on the basis of additional information from other countries. Interested persons may submit written comments, suggestions, or objections with respect to this proposed amendment to the Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

It is proposed to amend Appendix A to read as follows:

PROPOSED RULE MAKING

MAMMALS

Common name	Scientific name	Where found
Southern plankale	<i>Planigale tenuirostris</i>	Australia.
Little planigale	<i>Planigale tenuirostris</i>	Do.
Dibbler	<i>Antechinus macrura</i>	Do.
Large desert marsupial-mouse.	<i>Sarcophilus papuanophila</i>	Do.
Long-tailed marsupial-mouse.	<i>Sarcophilus longicauda</i>	Do.
Eastern terbo-mar-supel	<i>Antechinus laniger</i>	Do.
Tasmanian tiger	<i>Thylacina cynocephalus</i>	Do.
Busy numbat	<i>Mylodon fasciatus rufus</i>	Do.
Rabbit-bandicoot	<i>Petaurus leucogaster</i>	Do.
Rabbit-bandicoot	<i>Macrotis lagotis</i>	Do.
Lesser rabbit-bandicoot.	<i>Macrotis leucura</i>	Do.
Big-footed	<i>Chalciparus caudatus</i>	Do.
Mountain plimpy-possum	<i>Burramys parvus</i>	Do.
Mealy-tailed possum	<i>Nyctea swainsoni</i>	Do.
Barnard's wombat	<i>Lasiorchis barnardi</i>	Do.
Brush-tailed rat-kangaroo.	<i>Eidolon penicillata</i>	Do.
Leucour's rat-kangaroo.	<i>Eidonia leucura</i>	Do.
Queensland rat-kangaroo.	<i>Eidonia tropica</i>	Do.
Plain rat-kangaroo.	<i>Captomys cinereus</i>	Do.
Banded hare-wallaby.	<i>Leposiphia fasciatus</i>	Do.
Western hare-wallaby.	<i>Leposiphia hirsutus</i>	Do.
Bridled nail-tail wallaby	<i>Ongychodonta frenata</i>	Do.
Crescent nail-tail wallaby.	<i>Ongychodonta lunula</i>	Do.
Arma wallaby.	<i>Macropus parva</i>	Do.
Cuban solenodon.	<i>Atopogale cubana</i>	Cuba.
Haitian solenodon.	<i>Solenodon paradoxus</i>	Dominican Republic.
Lemmus—all species.	Lemnidae, all members of the genera <i>Lemur</i> , <i>Haplorhinus</i> , <i>Lepilemur</i> , <i>Chiropotes</i> , <i>Microtus</i> , <i>Phaner-</i> <i>galeus</i> .	Madagascar and Comoro Islands,
Indris, sifakas, avahis—all species.	Indridae, all members of the genera <i>Indri</i> , <i>Atila</i> , <i>Propithecus</i> .	Do.
Aye-aye.	<i>Dactylepterus madagascariensis</i>	Madagascar.
Spider monkey.	<i>Ateles geoffroyi frontatus</i>	Guatemala.
Do.	<i>Ateles geoffroyi geoffroyi</i>	Do.
Do.	<i>Ateles geoffroyi ornatissimus</i>	Costa Rica.
Do.	<i>Ateles geoffroyi panamensis</i>	Do.
Red-backed squirrel monkey	<i>Saimiri orestes</i> (<i>Saimiri sciureus orestes</i>)	Brazil.
Woolly spider monkey	<i>Brachyteles arachnoides</i>	Do.
White-nosed salt.	<i>Chiropotes apinus</i>	Fern, Colombia, Venezuela, Brazil, Ecuador.
Usakuri—all species.	<i>Cacajao spp.</i>	Do.
Goldil's marmoset.	<i>Callithrix jacchus</i>	Do.
Golden-rumped tamarin, golden-headed tamarin, golden lion marmoset.	<i>Leontideus spp.</i>	Do.
Non-tailed macaque.	<i>Macaca silenus</i>	India.
Puna River mangabey	<i>Cercopithecus patiens gularis</i>	Kenya.
Do.	<i>Spilogale aculeatus</i>	Indonesia.
Do.	<i>Saimiri concolor</i>	Kenya.
Do.	<i>Colobus badius</i>	Zanzibar (Tanzania).
Do.	<i>Colobus badius</i>	Malaysia.
Do.	<i>Haplorhinus plicatus</i>	Malaysia.
Do.	<i>Haplorhinus plicatus</i>	Malaysia.
Do.	<i>Pongo pygmaeus</i>	Malaysia.
Do.	<i>Gorilla gorilla</i>	Malaysia.
Do.	<i>Bradypus torquatus</i>	Central America.
Do.	<i>Chlorophanes fronsatus</i>	Brazil.
Do.	<i>Romerulus darci</i>	Mexico.
Do.	<i>Cynomys macrinus</i>	Do.
Do.	<i>Xenomys agilis</i>	Anstralia.
Do.	<i>Pseudomys archboldianus</i>	Do.
Do.	<i>Pseudomys gracilis</i>	Do.
Do.	<i>Pseudomys shortridgei</i>	Do.
Do.	<i>Pseudomys fumeus</i>	Do.
Do.	<i>Pseudomys occidentalis</i>	Do.
Do.	<i>Pseudomys fieldi</i>	Do.
Do.	<i>Chaetomys subzincus</i>	Brazil.

Common name	Scientific name	Where found
Sperm whale.....	<i>Physeter catodon</i>	Oceanic.
Bowhead whale.....	<i>Balaena mysticetus</i>	Do.
Right whale.....	<i>Eubalaena</i> sp.....	Do.
Blue whale.....	<i>Balaenoptera musculus</i>	Do.
Finnback whale.....	<i>Balaenoptera musculus</i>	Oceanic.
Minke whale.....	<i>Balaenoptera musculus</i>	Do.
Humpback whales.....	<i>Megaptera</i> spp.....	Do.
Eschrichtius flauvus.....	<i>Eschrichtius flauvus</i>	Do.
Gray whale.....	<i>Eschrichtius flauvus</i>	Do.
Northern flk fox.....	<i>Vulpes velox velox</i>	Canada.
Asiatic wild dog.....	<i>Cuon alpinus</i>	Russia, Pakistan, India (Central and Southeast Asia); Mexico.
Mexican grizzly bear.....	<i>Ursus arctos nelsoni</i>	United States, Canada:
Formosan yellow-throated marten.....	<i>Martes flavigula chrysopygia</i>	Formosa.
Black-footed ferret.....	<i>Mustela nigripes</i>	United States, Canada:
Black-footed cat.....	<i>Protonotris melanodon</i>	Uruguay, Argentina, Bolivia;
Caracaran clawless otter.....	<i>Lontra longicaudus</i>	Uruguay, Bolivia, Paraguay,
Chaco river otter.....	<i>Lontra longicaudus</i>	Argentina.
Maned wolf.....	<i>Chrysocyon brachyurus</i>	Amazon Basin.
Giant otter.....	<i>Pteronarca brasiliensis</i>	Morocco.
Barbary hyena.....	<i>Hiacina lyncea barbata</i>	Southern Africa.
Brown hyena.....	<i>Hiacina brunnea</i>	Russia, Afghanistan, Iran,
Asiatic cheetah.....	<i>Achnonyx jubatus venaticus</i>	Saudi Arabia (formerly India and Pakistan).
Spanish lynx.....	<i>Felis lynx pardina</i>	Spain.
Barbary serval.....	<i>Felis serval constantina</i>	Algeria.
Formosan clouded leopard.....	<i>Neofelis nebulosa brachyurus</i>	Formosa.
Asiatic lion.....	<i>Panthera leo persica</i>	India.
Singalese leopard.....	<i>Panthera pardus parisi</i>	India.
Barbary leopard.....	<i>Panthera pardus panthera</i>	Morocco, Algeria, Tunisia.
Arabian leopard.....	<i>Panthera pardus panthera</i>	Lebanon, Israel, Jordan, Turkey, Syria.
Anatolian leopard.....	<i>Panthera pardus tulliana</i>	Syria.
Ball tiger.....	<i>Panthera tigris balica</i>	Ball.
Javan tiger.....	<i>Panthera tigris sondata</i>	Indonesia.
Caspian tiger.....	<i>Panthera tigris tigris</i>	Russia, Afghanistan, Iran.
Sumatran tiger.....	<i>Panthera tigris sumatrae</i>	Indonesia.
Northern monk seal.....	<i>Monachus monachus</i>	Mediterranean.
DeGong.....	<i>Zipangus zipangus</i>	East Asia, to Ryukyu Islands.
West Indian (Florida) manatee.....	<i>Trichechus manatus</i>	United States, Costa Rica, Guatemala, Panama, Brazil, Venezuela.
Amazonian manatee.....	<i>Trichechus inunguis</i>	Peru, Amazon Basin.
Asian wild ass.....	<i>Equus hemionus</i>	Pakistan, Iran, India, China, Afghanistan, Central Asia.
African wild ass.....	<i>Equus asinus</i>	Ethiopia, Somalia, Sudan.
Mountain tapir.....	<i>Tapirus placidus</i>	Colombia, Ecuador.
Brazilian tapir.....	<i>Tapirus terrestris</i>	Venezuela, Argentina, Brazil, Colombia.
Central American tapir.....	<i>Tapirus bairdii</i>	Guatemala, Costa Rica, Southern Mexico to Colombia and Ecuador.
Sumatran rhinoceros.....	<i>Dicerorhinus sumatrensis</i>	Southeast Asia—East Pakistan to Vietnam to Indonesia.
Javan rhinoceros.....	<i>Rhinoceros sondaicus</i>	Indonesia, Burma, Thailand.
Great Indian rhinoceros.....	<i>Rhinoceros unicornis</i>	India, Nepal.
Northern white rhinoceros.....	<i>Cratichneumon simum cottoni</i>	Congo, Uganda, Sudan.
Pygmy hog.....	<i>Sus satanas</i>	India, Nepal.
Visaya.....	<i>Vicugna vicugna</i>	Peru, Bolivia.
Swamp deer.....	<i>Cervus davidi</i>	India, Nepal.
Kashmir stag, hangul.....	<i>Cervus elaphus hanglu</i>	Kashmir.
Barbary stag.....	<i>Cervus elaphus barbarus</i>	Morocco, Tunisia, Algeria.
Stag.....	<i>Cervus elaphus maculatus</i>	China, Japan.
Shou.....	<i>Cervus elaphus waddellii</i>	India, Southeast Asia.
Proctor-antlered deer, Eld's deer.....	<i>Cervus eldii</i>	India, Iran.
Asian fallow deer.....	<i>Dama dama</i>	India, Iran.
European fallow deer.....	<i>Dama dama</i>	India, Iran.
Swamp deer.....	<i>Axis kamoharui</i>	India, Iran.
Southern bison.....	<i>Bos taurus</i>	Argentina, Uruguay, Brazil.
Black-faced ibex.....	<i>Capra ibex</i>	Mexico, United States.
Black-faced ibex.....	<i>Capra ibex</i>	Southwest Africa, Angola.
Swainson's hartbeest.....	<i>Antelope swainsoni</i>	Ethiopia.
Swainson's hartbeest.....	<i>Antelope swainsoni</i>	Indonesia.
Antelope.....	<i>Antelope swainsoni</i>	Philippines.
Antelope.....	<i>Antelope swainsoni</i>	Canada.
Wood bison.....	<i>Bison bison</i>	India, Southeast Asia.
Saladang (gaur).....	<i>Bos taurus</i>	India, Southeast Asia.
Wild yak.....	<i>Bos grunniens mutus</i>	Tibet.

AMPHIBIANS AND REPTILES

Common name	Scientific name	Where found
Israel painted frog.....	<i>Discoglossus nigriventer</i>	Israel.
Stephen Island frog.....	<i>Leiopelma hamiltoni</i>	New Zealand.
River terrapin, tuntong.....	<i>Balagur baska</i>	Burma, India, Indonesia, Malaysia, Pakistan.
Galapagos tortoise.....	<i>Testudo elephantopus</i>	Galapagos (Ecuador).
Madagascar radiated tortoise.....	<i>Testudo radiata</i>	Madagascar.
Hawksbill turtle.....	<i>Eretmochelys imbricata</i>	Tropical seas.
Leatherback turtle.....	<i>Dermochelys coriacea</i>	Tropical and temperate seas.
Atlantic ridley turtle.....	<i>Lepidochelys kempi</i>	Mexico.
South American river turtle.....	<i>Podocnemis expansa</i>	Orinoco and Amazon River Basins.
Do.....	<i>Podocnemis unifilis</i>	Do.
Short-necked or swamp tortoise.....	<i>Pseudemys v. umbrina</i>	Australia.
Yacare.....	<i>Caiman yacare</i>	Bolivia, Argentina, Peru, Brazil.
Orinoco crocodile.....	<i>Crocodylus intermedius</i>	Orinoco River drainage.
Cuban crocodile.....	<i>Crocodylus rhombifer</i>	Cuba.
Morelet's crocodile.....	<i>Crocodylus moreletii</i>	Mexico, British Honduras, Guatemala.
Nile crocodile.....	<i>Crocodylus niloticus</i>	Africa.
Gavial.....	<i>Gavialis gangeticus</i>	Pakistan.
Round Island day gecko.....	<i>Phelsuma guentheri</i>	Mauritius.
Day gecko.....	<i>Phelsuma newtoni</i>	Do.
Barrington land lizard.....	<i>Conolophus pallidus</i>	Galapagos.
Tuatara.....	<i>Sphenodon punctatus</i>	New Zealand.
Jamaica boa.....	<i>Epicrates subflavus</i>	Jamaica.
Anegada ground iguana.....	<i>Cyclura pinquus</i>	Anegada Island.

FISH

Ala ballik.....	<i>Salmo platycephalus</i>	Turkey.
Cheek.....	<i>Acanthopagrus handlirschi</i>	Do.
Miyako tunago.....	<i>S. anakia tanago</i>	Japan.
Ayamodoki.....	<i>Hymenophysa curta</i>	Do.
Mexican blindcat.....	<i>Pristella phreatophila</i>	Mexico.
Nekogel.....	<i>Corcobagrus ichthyoides</i>	Japan.
Giant catfish.....	<i>Pangasianodon gigas</i>	Thailand.
Catfish.....	<i>Pangasius sanctirogatus</i>	Do.

MOLLUSK

Mollusk.....	<i>Papustyla pulcherrima</i>	Manus Island (Admiralty Island).
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(16 U.S.C. 668aa et seq.)

J. P. LINDUSKA,
Acting Director, Bureau of
Sport Fisheries and Wildlife.

JULY 27, 1970.

[F.R. Doc. 70-9781; Filed, July 29, 1970; 8:45 a.m.]

[50 CFR Part 240] GROUND FISH FISHERIES

Certain Persons and Vessels Exempted

To obtain the quantity of regulated species taken by exempted vessels on a

timely basis it is necessary that owners or operators of fishing vessels submit certified reports to the Bureau of Commercial Fisheries. Under the present regulations there is no provision for failure to submit such reports as required in subparagraph (6) in § 240.5(d). There-

fore, an amendment to § 240.5(d) (6) is proposed to accomplish this purpose.

The proposed amendment is issued under the authority contained in subsection (a) of section 7 of the Northwest Atlantic Fisheries Act of 1950 (64 Stat. 1069; 16 U.S.C. 986).

Prior to the final adoption of the proposed amendment consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Director, Bureau of Commercial Fisheries, Washington, D.C. 20240 within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

The proposed amendment is described below.

Subparagraph (6) of § 240.5(d) is amended as follows:

§ 240.5 Certain persons and vessels exempted.

* * * * *

(d) * * *

(6) The owner or operator of a fishing vessel for which a certificate of exemption is in force shall furnish on a form supplied by the Bureau of Commercial Fisheries, immediately following the delivery or sale of a catch of fish made by means of such vessel, a report certified to be correct by the owner or operator, listing separately by species and weight the total quantities of all fish sold or delivered. Failure to submit a certified report pertaining to the catches of fish as required by this subparagraph shall be cause to revoke the certificate of exemption by the Regional Director issued to the owner or operator of the fishing vessel.

* * * * *

Issued at Washington, D.C., pursuant to authority delegated to me by the Secretary of the Interior on August 26, 1966 (31 F.R. 11685), and dated July 27, 1970.

WILLIAM M. TERRY,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 70-9794; Filed, July 29, 1970; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management CALIFORNIA

Notice of Filing of California State Protraction Diagram

JULY 24, 1970.

Notice is hereby given that effective September 8, 1970, the following protraction diagram, approved March 16, 1970, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

MOUNT DIABLO MERIDIAN, CALIFORNIA

CALIFORNIA PROTRACTION DIAGRAM NO. 35

- T. 17 S., R. 39 E.,
Secs. 1 to 25, inclusive;
Secs. 26 and 27, excluding M. S. 5497 A and B;
Secs. 28 to 34, inclusive;
Sec. 35, excluding M. S. 5497 A and B;
Sec. 36.
- T. 17 S., R. 40 E.,
Secs. 1 to 36, inclusive.
- T. 18 S., R. 39 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive;
Secs. 39 and 40.
- T. 18 S., R. 40 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive;
Secs. 40 and 41.
- T. 19 S., R. 39 E.,
Secs. 3 to 10, inclusive;
Secs. 15 to 22, inclusive;
Secs. 27 to 34, inclusive.

Copies of this diagram are for sale at two dollars (\$2) each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2820, Sacramento, Calif. 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

WALTER F. HOLMES,
Assistant Land Office Manager.

[F.R. Doc. 70-9784; Filed, July 29, 1970;
8:45 a.m.]

CALIFORNIA

Notice of Filing of California State Protraction Diagram

JULY 24, 1970.

Notice is hereby given that effective September 8, 1970, the following protraction diagram, approved April 24, 1970, is officially filed and of record in the

Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

MOUNT DIABLO MERIDIAN, CALIFORNIA

CALIFORNIA PROTRACTION DIAGRAM NO. 71

- T. 11 S., R. 38 E.,
Secs. 1 to 36, inclusive.
- T. 11 S., R. 39 E.,
Secs. 1 to 36, inclusive.
- T. 12 S., R. 37 E.,
Sec. 4, W $\frac{1}{2}$ and SE $\frac{1}{4}$;
Secs. 5 to 9, inclusive;
Secs. 16 to 21, inclusive;
Sec. 22, NW $\frac{1}{4}$ and S $\frac{1}{2}$;
Secs. 27 to 34, inclusive.
- T. 12 S., R. 38 E.,
Secs. 1 to 36, inclusive.
- T. 12 S., R. 39 E.,
Secs. 2 to 10, inclusive;
Sec. 11, NE $\frac{1}{4}$ and W $\frac{1}{2}$;
Sec. 15, NE $\frac{1}{4}$ and W $\frac{1}{2}$;
Secs. 16 to 21, inclusive;
Secs. 28 to 32, inclusive;
Sec. 33, NE $\frac{1}{4}$ and W $\frac{1}{2}$.

Copies of this diagram are for sale at two dollars (\$2) each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way Room E-2820, Sacramento, Calif. 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

WALTER F. HOLMES,
Assistant Land Office Manager.

[F.R. Doc. 70-9785; Filed, July 29, 1970;
8:45 a.m.]

CALIFORNIA

Notice of Filing of California State Protraction Diagram

JULY 24, 1970.

Notice is hereby given that effective September 8, 1970, the following protraction diagram, approved April 24, 1970, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

MOUNT DIABLO MERIDIAN, CALIFORNIA

CALIFORNIA PROTRACTION DIAGRAM NO. 72

- T. 9 S., R. 38 E.,
Sec. 6, W $\frac{1}{2}$;
Sec. 7, W $\frac{1}{2}$;
Sec. 18, W $\frac{1}{2}$;
Sec. 19, W $\frac{1}{2}$;
Sec. 25, NW $\frac{1}{4}$ and S $\frac{1}{2}$;

- Secs. 26 to 28, inclusive;
Sec. 29, E $\frac{1}{2}$ and SW $\frac{1}{4}$;
Sec. 30, NW $\frac{1}{4}$ and S $\frac{1}{2}$;
Secs. 31 to 36, inclusive.
- T. 9 S., R. 39 E.,
Secs. 1 to 5, inclusive;
Sec. 6, E $\frac{1}{2}$ and NW $\frac{1}{4}$;
Sec. 8, E $\frac{1}{2}$ and NW $\frac{1}{4}$;
Secs. 9 to 16, inclusive;
Secs. 21 to 28, inclusive;
Secs. 33 to 36, inclusive.
- T. 10 S., R. 37 E.,
Secs. 1 to 4, inclusive;
Sec. 5, E $\frac{1}{2}$ and NW $\frac{1}{4}$;
Secs. 12 to 16, inclusive;
Sec. 21, E $\frac{1}{2}$ and NW $\frac{1}{4}$;
Secs. 22 to 25, inclusive;
Sec. 26, E $\frac{1}{2}$ and NW $\frac{1}{4}$;
Sec. 36, E $\frac{1}{2}$ and NW $\frac{1}{4}$;
- T. 10 S., R. 38 E.,
Secs. 1 to 36, inclusive.
- T. 10 S., R. 39 E.,
Secs. 1 to 36, inclusive.

Copies of this diagram are for sale at two dollars (\$2) each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2820, Sacramento, Calif. 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

WALTER F. HOLMES,
Assistant Land Office Manager.

[F.R. Doc. 70-9786; Filed, July 29, 1970;
8:45 a.m.]

CALIFORNIA

Notice of Filing of California State Protraction Diagram

JULY 24, 1970.

Notice is hereby given that effective September 8, 1970, the following protraction diagram, approved April 24, 1970, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

MOUNT DIABLO MERIDIAN, CALIFORNIA

CALIFORNIA PROTRACTION DIAGRAM NO. 73

- T. 8 $\frac{1}{2}$ S., R. 40 E.,
Secs. 33 to 36, inclusive.
- T. 9 S., R. 40 E.,
Secs. 1 to 24, inclusive;
Sec. 25, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Secs. 26 to 36, inclusive.
- T. 9 S., R. 42 E.,
Sec. 7;
Secs. 17 to 21, inclusive;
Secs. 27 to 35, inclusive.
- T. 10 S., R. 40 E.,
Secs. 1 to 36, inclusive.
- T. 10 S., R. 42 E.,
Secs. 1 to 36, inclusive.

T. 10 S., R. 43 E.,
 Sec. 7;
 Sec. 17 to 21, inclusive;
 Secs. 27 to 35, inclusive.
 T. 10½ S., R. 41 E.,
 Secs. 25 to 36, inclusive.

Copies of this diagram are for sale at two dollars (\$2) each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2820, Sacramento, Calif. 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

WALTER F. HOLMES,
Assistant Land Office Manager.

[F.R. Doc. 70-9787; Filed, July 29, 1970;
 8:45 a.m.]

CALIFORNIA

Notice of Filing of California State Protraction Diagram

JULY 24, 1970.

Notice is hereby given that effective September 8, 1970, the following protraction diagram, approved April 24, 1970, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

MOUNT DIABLO MERIDIAN, CALIFORNIA

CALIFORNIA PROTRACTION DIAGRAM NO. 74

T. 10½ S., R. 41 E.,
 Secs. 25 to 36, inclusive.
 T. 11 S., R. 40 E.,
 Secs. 1 to 36, inclusive.
 T. 11 S., R. 41 E.,
 Secs. 1 to 36, inclusive.
 T. 12 S., R. 40 E.,
 Secs. 1 to 36, inclusive.
 T. 12 S., R. 41 E.,
 Secs. 1 to 36, inclusive.
 T. 12 S., R. 42 E.,
 Secs. 1 to 36, inclusive.
 T. 12½ S., R. 42 E.,
 Secs. 25 to 36 inclusive.

Copies of this diagram are for sale at two dollars (\$2) each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2820, Sacramento, Calif. 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

WALTER F. HOLMES,
Assistant Land Office Manager.

[F.R. Doc. 70-9788; Filed, July 29, 1970;
 8:45 a.m.]

CALIFORNIA

Notice of Filing of California State Protraction Diagram

JULY 24, 1970.

Notice is hereby given that effective September 8, 1970, the following protraction

diagram, approved April 24, 1970, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

MOUNT DIABLO MERIDIAN, CALIFORNIA

CALIFORNIA PROTRACTION DIAGRAM NO. 75

T. 11 S., R. 44 E.,
 Secs. 7 and 8;
 Secs. 16 to 22, inclusive;
 Secs. 26 to 36, inclusive.
 T. 12 S., R. 43 E.,
 Secs. 1 to 36, inclusive.
 T. 12 S., R. 44 E.,
 Secs. 1 to 36, inclusive.
 T. 12 S., R. 45 E.,
 Secs. 6 to 8, inclusive;
 Secs. 16 to 22, inclusive;
 Secs. 26 to 36, inclusive.
 T. 12½ S., R. 43 E.,
 Secs. 25 to 36, inclusive.
 T. 13 S., R. 44 E.,
 Secs. 1 to 6, inclusive.
 T. 13 S., R. 45 E.,
 Secs. 1 to 6, inclusive.
 T. 13 S., R. 46 E.,
 Sec. 6.

Copies of this diagram are for sale at two dollars (\$2) each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2820, Sacramento, Calif. 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

WALTER F. HOLMES,
Assistant Land Office Manager.

[F.R. Doc. 70-9789; Filed, July 29, 1970;
 8:45 a.m.]

CALIFORNIA

Notice of Filing of California State Protraction Diagram

JULY 24, 1970.

Notice is hereby given that effective September 8, 1970, the following protraction diagram, approved April 24, 1970, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

MOUNT DIABLO MERIDIAN, CALIFORNIA

CALIFORNIA PROTRACTION DIAGRAM NO. 94

T. 10 S., R. 33 E., MDM,
 Secs. 5 to 8, inclusive;
 Secs. 17 to 20, inclusive;
 Secs. 28 to 33, inclusive.
 T. 10 S., R. 34 E.,
 Sec. 1, E½E½, NW¼NE¼;
 Secs. 5 to 8, inclusive;
 Sec. 12, E½NE¼;
 Sec. 17, NE¼ and W½;

Sec. 18, E½ and NW¼;
 Sec. 31, SE¼;
 Sec. 32, SW¼.

T. 11 S., R. 33 E.,
 Secs. 4 to 10, inclusive;
 Secs. 14 to 23, inclusive;
 Secs. 26 to 35, inclusive.
 T. 11 S., R. 34 E.,
 Sec. 5, NW¼;
 Sec. 6, E½NE¼;
 Sec. 7, S½;
 Secs. 18, 19, 30 and 31.

Copies of this diagram are for sale at two dollars (\$2) each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2820, Sacramento, Calif. 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

WALTER F. HOLMES,
Assistant Land Office Manager.

[F.R. Doc. 70-9790; Filed, July 29, 1970;
 8:45 a.m.]

[Sacramento 2218]

CALIFORNIA

Opening of Land Subject to Section 24 of the Federal Power Act

JULY 23, 1970.

By virtue of the authority contained in section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the authority redelegated to me by the Manager, Sacramento Land Office, Bureau of Land Management, approved by the California State Director, effective August 12, 1969 (34 F.R. 13376), it is ordered as follows:

1. In DA-1092-California the Federal Power Commission determined that the value of the land described below withdrawn pursuant to the filing of an application for preliminary permit for Power Project No. 74, will not be injured or destroyed for power purposes by restoration to location, entry, or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act so far as it pertains to the following described land:

HUMBOLDT MERIDIAN

T. 13 N., R. 6 E.,
 Sec. 32, W½NE¼NE¼SE¼ and NW¼SE¼NE¼SE¼.

The area described contains approximately 7.5 acres in Siskiyou County.

2. At 10 a.m., on August 20, 1970, the land shall be open to such forms of disposition as may by law be made of national forest lands.

The State of California has waived its preference right of application for highway rights-of-way or material sites afforded it by section 24 of said act.

Inquiries concerning the land should be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, Calif.

ELIZABETH H. MIDTBY,
Chief, Lands Adjudication Section.

[F.R. Doc. 70-9791; Filed, July 29, 1970;
 8:45 a.m.]

[C-9504, C-9815]

COLORADO**Notice of Proposed Classifications of Public Lands for Multiple-Use Management; Corrections**

JULY 22, 1970.

In FEDERAL REGISTER vol. 35, Doc. 70-5827, pages 7451-7454, of the issue for Wednesday, May 13, 1970, the following changes should be made:

Page 7451:

Under T. 8 S., R. 96 W.,
Sec. 7, lot "7"; should be lots "1 and 7".

Page 7453:

Under T. 8 S., R. 100 W.,
Sec. 15, * * * "N $\frac{1}{4}$ " * * *; should be "NW $\frac{1}{4}$ ".

Under T. 9 S., R. 100 W.,
Sec. 3, lots "3, 4," * * *; should be lots "1, 2, 3, 4".

In FEDERAL REGISTER vol. 35, Doc. 70-5828, pages 7454-7457, of the issue for Wednesday, May 13, 1970, the following changes should be made:

Page 7454:

"Colorado 9504"; should be "Colorado 10992".

Page 7455:

Under T. 9 S., R. 103 W.,
Sec. 32, "W $\frac{1}{2}$ E $\frac{1}{2}$ W $\frac{1}{2}$ "; should be "W $\frac{1}{2}$ E $\frac{1}{2}$, W $\frac{1}{2}$ ".

Page 7456:

Under T. 9 S., R. 104 W.,
Sec. 31, lot "10"; should be lot "8".

In FEDERAL REGISTER vol. 35, pages 5830-5831, of the issue for Thursday, April 9, 1970, the following corrections should be made:

Doc. 70-4307:

Colorado "9504"; should be Colorado "10845".

Doc. 70-4308:

Colorado "9504"; should be Colorado "10846".

Doc. 70-4309:

Colorado "9504"; should be Colorado "10847".

In FEDERAL REGISTER vol. 35, No. 64, Page 5490, of the issue for Thursday, April 2, 1970, the following correction should be made:

Doc. 70-4005:

Colorado "9815"; should be Colorado "10844".

E. I. ROWLAND,
State Director.

[F.R. Doc. 70-9313; Filed, July 29, 1970;
8:47 a.m.]

COLORADO**Notice of Filing of Plat of Survey**

1. The plats of resurvey and extension survey described below will be officially filed in the Land Office, Denver, Colo., effective at 10 a.m., August 31, 1970.

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 8 S., R. 84 W.,

Dependent resurvey of the north boundary and portions of the east and west boundaries and subdivision lines, an extension survey and subdivision of certain sections.

2. All the federally owned lands in the above are in the Arapaho National Forest. Since the lands are withdrawn for the national forest they will not be subject to disposition under the public land laws by reason of the official filing of the plats.

J. ELLIOTT HALL,
Manager,
Colorado Land Office, Denver.

JULY 24, 1970.

[F.R. Doc. 70-9840; Filed, July 29, 1970;
8:49 a.m.]

[Serial No. 2445]

IDAHO**Rochat Unit; Notice of Classification of Public Lands for Multiple-Use Management**

JULY 22, 1970.

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411-18) and to the regulations in 43 CFR, Parts 2410 and 2460, the public lands within the area described below are hereby classified for multiple-use management. Publication of this notice (a) segregates all the public land described in this notice from appropriation only under the agricultural land laws (43 U.S.C., Parts 7 and 9; 25 U.S.C., sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and (b) further segregates the lands described in paragraph 3 of this notice from the operation of the general mining laws (30 U.S.C., chapter 2), but not mineral leasing and material sale laws. Except as provided in (a) and (b) above, the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The public lands affected by this classification are located in Kootenai, Shoshone, and Benewah Counties in the area described below. The lands are shown on a map designated 1106-1 (Rochat Unit) which is on file and may be reviewed in the Bureau of Land Management District Office, Coeur d'Alene, Idaho, and in the State Office, Bureau of Land Management, 550 West Fort Street, Boise, Idaho.

BOISE MERIDIAN, IDAHO

T. 48 N., R. 2 W.,
Sec. 24, S $\frac{1}{2}$ NE, SE $\frac{1}{4}$;
Sec. 25, E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 36.

T. 47 N., R. 2 W.,
Secs. 1 and 2.

T. 49 N., R. 1 W.,
Sec. 35, SE $\frac{1}{4}$.

T. 48 N., R. 1 W.,
Sec. 1, lots 4 to 7 inclusive, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$;
Sec. 2, lots 1 to 8 inclusive, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 3, lots 8, 11, 12, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 4, lots 3 to 5 and 9 to 14 inclusive, SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ S $\frac{1}{2}$;

Sec. 5, lots 1, 8, 9, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Secs. 8 to 17 inclusive;
Sec. 18, lots 3, 4, 5, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 19, all except lot 1;
Secs. 20 to 36 inclusive.

T. 47 N., R. 1 W.,
Secs. 1 and 2 inclusive;
Sec. 3, lots 1 to 8 and lots 10 to 14 inclusive, S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;

Sec. 4, lots 1 to 8 inclusive, lot 14, S $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$;

Sec. 5, lots 1 to 8 inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 6, lots 1 to 10 inclusive, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 9, lots 5 to 8 inclusive, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Secs. 10 to 15 inclusive;

Sec. 16, lots 3 and 4 inclusive, NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$;

Sec. 17, lots 4 and 5 inclusive;
Sec. 20, lots 5, 7, 8, E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, less patented mining claims;

Sec. 21, less mining claims;
Secs. 22 to 28 inclusive;

Sec. 29, lot 2, NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$;

Sec. 30, lots 9 to 11 inclusive, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 31, E $\frac{1}{2}$;

Secs. 32 to 36 inclusive.

T. 46 N., R. 1 W.,
Secs. 1 to 5 inclusive;

Sec. 6, E $\frac{1}{2}$;
Sec. 12.

T. 48 N., R. 1 E.,
Sec. 6, lots 1, 9, 10, 11, 12, SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 7;
Secs. 16 to 21 inclusive;

Sec. 22, W $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 27, W $\frac{1}{2}$ W $\frac{1}{2}$;

Secs. 28 to 33 inclusive;
Sec. 34, W $\frac{1}{2}$ W $\frac{1}{2}$;

Sec. 36.

T. 47 N., R. 1 E.,
Sec. 1;
Sec. 3, lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Secs. 4 to 36 inclusive.

T. 46 N., R. 1 E.,
Secs. 1 to 8 inclusive;

Sec. 9, W $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 10, E $\frac{1}{2}$ NE $\frac{1}{4}$;

Secs. 11 and 12 inclusive;
Sec. 13, N $\frac{1}{2}$;

Sec. 14, NE $\frac{1}{4}$.

T. 48 N., R. 2 E.,
Secs. 8, 9, 16, and 17;

Secs. 20 to 29 inclusive;
Secs. 31 to 36 inclusive.

T. 47 N., R. 2 E.,
Secs. 1 to 19 inclusive;

Sec. 20, N $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 31, lot 1.

T. 46 N., R. 2 E.,
Sec. 7, lots 1 to 4 inclusive, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Secs. 18 and 19 inclusive;
Sec. 20, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 30.

The area described contains approximately 50,967 acres of public land.

3. As provided in paragraph 1 above, the following lands are further segregated from appropriation under the general mining laws, but not the mineral leasing and material sale laws:

a. Tingley Spring Recreation Site.

T. 46 N., R. 1 W., Boise Meridian,
Sec. 1, W $\frac{1}{2}$ SW $\frac{1}{4}$.

This site contains 80 acres.

b. Sheep Springs Picnic Area.

T. 47 N., R. 1 W., Boise Meridian,
Sec. 25, NW $\frac{1}{4}$ SE $\frac{1}{4}$.

This site contains 40 acres.

c. Mirror Lake Recreation Site.

T. 47 N., R. 1 E., Boise Meridian,
Sec. 8, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$.

This site contains 80 acres.
d. Crystal Lake Recreation Area.

T. 47 N., R. 1 E., Boise Meridian,
Sec. 31, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$,
NW $\frac{1}{4}$ SE $\frac{1}{4}$.

This site contains 160 acres.

4. Several comments were received following publication of a notice of proposed classification in the FEDERAL REGISTER of April 3, 1970 (35 F.R. 5562), and at the public hearing held in Coeur d'Alene, Idaho, on May 1, 1970. All comments were carefully considered in the light of the law and regulations, and as a result a modification is made in the classification. Segregation of the 3920 acres included in the St. Maries watershed and described in paragraph 3.E. of the notice of proposed classification, from the general mining laws, is hereby terminated. The change is reflected in paragraph 3 of this notice of classification.

5. For a period of 30 days from date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR § 2461.3. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 320, Washington, D.C. 20240.

ORVAL G. HADLEY,
Acting State Director.

[F.R. Doc. 70-9841; Filed, July 29, 1970;
8:49 a.m.]

[Serial No. N-2345]

NEVADA

Notice of Classification of Public Lands for Multiple-Use Management

JULY 23, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR, Part 2400, the public lands within the area described below are hereby classified for multiple-use management. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing or material sale laws, with the exception contained in paragraph 3. As used herein, "public lands" mean any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

2. The record showing the comments received following publication of the notice of proposed classification (35 F.R. 88), or at the public hearing at the Lyon County Courthouse, Yerington,

Nev., which was held on June 2, 1970, and other information is on file and can be examined at the Nevada Land Office. The public lands affected by this classification are located within the following described area and are shown on a map designated N-2345 on file in the Carson City District Office, Bureau of Land Management, 801 North Plaza Street, Carson City, Nev. 89701, and the Nevada Land Office, Bureau of Land Management, Room 3104, Federal Building, 300 Booth Street, Reno, Nev. 89502.

The overall description of the area is as follows:

MOUNT DIABLO MERIDIAN, NEVADA

LYON COUNTY

The public lands classified are wholly located within Lyon County, Nev.

The area described above aggregates approximately 585,713 acres of public land.

3. The public lands listed below are further segregated from all forms of appropriation under the public land laws, including the general mining laws, but not the Recreation and Public Purposes Act (44 Stat. 741, 68 Stat. 173; 43 U.S.C. 869) or the mineral leasing and material sale laws:

MOUNT DIABLO MERIDIAN, NEVADA

T. 11 N., R. 25 E.,
Sec. 8, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 17, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$,
SW $\frac{1}{4}$;
Sec. 18, S $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 19, N $\frac{1}{2}$ N $\frac{1}{2}$. Wilson Canyon.

The area described above aggregates approximately 680 acres of public land.

4. For a period of 30 days from date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR § 2461.3. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 320, Washington, D.C. 20240.

NOLAN F. KEIL,
State Director, Nevada.

[F.R. Doc. 70-9842; Filed, July 29, 1970;
8:49 a.m.]

[New Mexico 435; Amdt.]

NEW MEXICO

Notice of Classification of Public Lands for Multiple-Use Management

JULY 23, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and the regulations in 43 CFR Parts 2400 and 2460, the public lands within the areas described below are hereby classified for multiple use management.

2. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C., Parts 7 and 9; 25 U.S.C. sec. 334), and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and the lands shall remain open to all other applicable forms

of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

3. No adverse comments were received following publication of the notice of proposed classification (35 F.R. 7085), or at the public hearing at Carrizozo, N. Mex., which was held May 27, 1970. The record showing the comments received and other information is on file and can be examined in the Las Cruces District Office, Las Cruces, N. Mex. The public lands affected by this classification are located within the following-described areas and are shown on maps designated 03-10, Chupadera Mesa, on file in the Las Cruces District Office, Bureau of Land Management, Post Office Box 1420, Las Cruces, N. Mex. 88001, and Land Office, U.S. Post Office and Federal Building, Santa Fe, N. Mex. 87501.

NEW MEXICO PRINCIPAL MERIDIAN

T. 4 S., R. 7 E.,
Secs. 25, 26, 28, 29, 33, 34, and 35.
T. 5 S., R. 7 E.,
Secs. 1, 3, and 4;
Secs. 10, N $\frac{1}{2}$ and SE $\frac{1}{4}$;
Secs. 11, 12, 13, and 14;
Sec. 23, N $\frac{1}{2}$;
Sec. 24, N $\frac{1}{2}$;
T. 4 S., R. 8 E.,
Sec. 9;
Sec. 10, N $\frac{1}{2}$;
Sec. 11, N $\frac{1}{2}$;
Sec. 12;
Sec. 13, E $\frac{1}{2}$;
Secs. 21, 23, 24, 27, and 28;
Sec. 29, E $\frac{1}{2}$ and E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 30, lots 4, 5, 12, 13, and E $\frac{1}{2}$ E $\frac{1}{2}$;
Secs. 31, 33, and 34.
T. 5 S., R. 8 E.,
Secs. 3, 4, 5, and 6.
T. 4 S., R. 9 E.,
Sec. 7, lots 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
Sec. 8, W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 17, W $\frac{1}{2}$ W $\frac{1}{2}$;
Secs. 18 and 19;
Sec. 20, W $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 26, SW $\frac{1}{4}$;
Sec. 27, S $\frac{1}{2}$;
Sec. 28, S $\frac{1}{2}$;
Sec. 29, W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, and SE $\frac{1}{4}$;
Secs. 30, 31, and 33;
Sec. 34, N $\frac{1}{2}$, SW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 35.

T. 5 S., R. 9 E.,
Sec. 3, S $\frac{1}{2}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$;
Sec. 4, S $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$;
Sec. 9, E $\frac{1}{2}$;
Sec. 10, N $\frac{1}{2}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 11, N $\frac{1}{2}$ N $\frac{1}{2}$.
T. 4 S., R. 10 E.,
Sec. 31.
T. 5 S., R. 10 E.,
Sec. 5, lots 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, and
SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 6, lots 1, 2, 3, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
E $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$.

The areas described above aggregate 30,460.58 acres

4. For a period of 30 days from date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR

§ 2411.2c. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240.

CLYDE R. DURNELL,
Acting State Director.

[F.R. Doc. 70-9792; Filed, July 29, 1970;
8:45 a.m.]

[New Mexico 9752]

NEW MEXICO

Notice of Classification of Public Lands for Multiple-Use Management

JULY 23, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and the regulations in 43 CFR Parts 2400 and 2460, the public lands within the areas described below are hereby classified for multiple-use management. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. No adverse comments were received following publication of a notice of proposed classification (35 F.R. 5352-5353). The record showing the comments received and other information is on file and can be examined in the Albuquerque District Office, Bureau of Land Management, 1304 Fourth Street NW., Albuquerque, N. Mex. The public lands affected by this classification are located within the following described areas and are shown on a map designated Sabinoso Planning Unit 01-13, on file in the Albuquerque District Office and in the Land Office of the Bureau of Land Management, U.S. Post Office and Federal Building, Santa Fe, N. Mex.

NEW MEXICO PRINCIPAL MERIDIAN

- T. 16 N., R. 22 E.,
Sec. 13, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 14, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 22, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 23, NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 24, E $\frac{1}{2}$ E $\frac{1}{2}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 25, NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 26, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and E $\frac{1}{2}$ NW $\frac{1}{4}$.
T. 16 N., R. 23 E.,
Secs. 3 and 4;
Sec. 5, lots 1, 2, 4, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
Sec. 6, lots 6, 7, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 7, NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 8, E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 9;

- Sec. 10, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 17, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 18, lot 1, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and S $\frac{1}{2}$;
Sec. 19;
Sec. 20, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, and S $\frac{1}{2}$;
Sec. 23, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and S $\frac{1}{2}$;
Sec. 29, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, and S $\frac{1}{2}$;
Sec. 30, lots 1, 2, 3, E $\frac{1}{2}$, and E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 31, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 33, W $\frac{1}{2}$ E $\frac{1}{2}$ and W $\frac{1}{2}$.
T. 17 N., R. 23 E.,
Sec. 13, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 14, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 15, SE $\frac{1}{4}$;
Sec. 19, lot 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 20, NE $\frac{1}{4}$ SE $\frac{1}{4}$ and S $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 21, SW $\frac{1}{4}$;
Sec. 22, NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 23, S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
Secs. 24, 25, and 26;
Sec. 27, E $\frac{1}{2}$, NW $\frac{1}{4}$, and N $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 28, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 29, E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, and NW $\frac{1}{4}$;
Sec. 30, lots 1, 2, 3, 4, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 31, lot 1, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 33, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and S $\frac{1}{2}$;
Sec. 34, NE $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 35.
T. 17 N., R. 24 E.,
Sec. 17, W $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 18, lots 3, 4, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 19, lots 2, 3, 4, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and E $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 20, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 21, S $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$;
Sec. 28, W $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 29, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, and W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 30, lots 1, 2, 3, 4, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$, and SE $\frac{1}{4}$;
Sec. 31, lots 1, 2, 3, and E $\frac{1}{2}$ NW $\frac{1}{4}$.

The public lands in the areas described aggregate 19,627.78 acres in San Miguel County.

3. For a period of 30 days from date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided in 43 CFR, section 2461.3. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240.

CLYDE R. DURNELL,
Acting State Director.

[F.R. Doc. 70-9793; Filed, July 29, 1970;
8:45 a.m.]

Office of the Secretary DIRECTOR, GEOLOGICAL SURVEY Delegation of Authority

The delegation of authority to the Director, Geological Survey, contained in Chapter 2, Part 200 of the Departmental Manual pertaining to the approval of unitization, pooling, and drilling agreements under the Outer Continental

Shelf Lands Act has been amended as set forth below. The following material is a portion of the Departmental Manual and the numbering system is that of the Manual.

PART 220—GEOLOGICAL SURVEY

Chapter 2—Unitization, Cooperative, Pooling, and Drilling Agreements

220.2.1 *Delegation of Authority.* The Director, Geological Survey, is hereby delegated the authority of the Secretary of the Interior under section 5a(1) of the Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 462, 464; 43 U.S.C., sec. 1334(a)(1)), in the interest of conservation, to approve unitization, cooperative, pooling, and drilling agreements and to require lessees to subscribe to and operate under such agreements for the development and operation of an area, field, or pool, or part thereof as the Director may determine to be practicable and necessary or advisable.

WALTER J. HICKEL,
Secretary of the Interior.

JULY 21, 1970.

[F.R. Doc. 70-9814; Filed, July 29, 1970;
8:47 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-250]

OCEANIC STEAMSHIP CO.

Notice of Application

Notice is hereby given that The Oceanic Steamship Co. has filed an application, dated July 6, 1970, requesting written permission under section 805(a) of the Merchant Marine Act, 1936, as amended, to permit the SS "Mariposa" and SS "Monterey" to carry passengers and their baggage between ports in California on regularly scheduled voyages on Trade Route No. 27 (U.S. Pacific/Australia-New Zealand).

Interested parties may inspect this application in the Office of Subsidy Administration, Maritime Administration, Room 1023, General Accounting Office Building, 441 G Street NW., Washington, D.C.

Any person, firm or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit comments or views concerning the application must, by close of business on August 6, 1970, file same with the Secretary, Maritime Subsidy Board/Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

Notwithstanding anything in § 201.78 of the rules of practice and procedure (46 CFR Part 201), petitions for leave to intervene received after the close of business on August 6, 1970, will not be considered in this proceeding.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board/Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties withstanding to be heard, a hearing has been tentatively scheduled for August 11, 1970 at 10 a.m. in Room 4892, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. The purpose of the hearing will be to receive evidence under sec-

tion 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

By order of the Maritime Subsidy Board/Maritime Administration.

Dated: July 24, 1970.

JAMES S. DAWSON, JR.,
Secretary.

[F.R. Doc. 70-9850; Filed, July 29, 1970;
8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

CORDELE LIVESTOCK CO., ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

<i>Original name of stockyard, location, and date of posting</i>	<i>Current name of stockyard and date of change in name</i>
GEORGIA	
Cordele Livestock Co., Inc., Cordele, May 15, 1959...	Cordele Livestock Co., Apr. 23, 1970.
IOWA	
Rubey Auction Company, Red Oak, Oct. 13, 1964...	Rubey Auction Co., Inc., July 1, 1970.
NEW MEXICO	
Artesia Livestock Auction, Artesia, Nov. 22, 1960...	Artesia Livestock Commission Com- pany, May 1, 1970.
NEW YORK	
Gracey Commission Sales, Inc., Adams, Aug. 4, 1960.	Adams Commission Sales, June 1, 1970.
Gracey Commission Sales, Inc., Lowville, Aug. 8, 1960.	Central Livestock, Lowville Division, June 8, 1970.
OKLAHOMA	
Ardmore Livestock Auction, Ardmore, Nov. 15, 1949.	Ardmore Livestock Auction, Incorporated, May 1, 1970.
TENNESSEE	
Sam O'Neil Livestock Commission Company, Chat- tanooga, May 5, 1959.	Tri-State Livestock Commission Co., Inc., May 23, 1970.

Done at Washington, D.C., this 24th day of July 1970.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports
Branch, Livestock Marketing Division.

[F.R. Doc. 70-9854; Filed, July 29, 1970; 8:51 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 11525]

DIAGNOSTIC AGENT: INDOCYANINE GREEN INJECTION

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following diagnostic drug:

Cardio-Green; indocyanine green; marketed by Hynson, Westcott, and

Dunning, Inc., Charles and Chase Streets, Baltimore, Md. 21201 (NDA 11-525).

The drug is regarded as a new drug (21 U.S.C. 321(p)). Supplemental new-drug applications are required to revise the labeling in and to update previously approved applications providing for such drug. A new-drug application is required from any person marketing such drug without approval.

The Food and Drug Administration is prepared to approve new-drug applications and supplements to previously approved new-drug applications under conditions described in this announcement.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy report, as well as other available evidence, and concludes that:

1. Indocyanine green is effective for measurement of hepatic blood flow and for measurement of cardiac output.

2. Indocyanine green is probably effective for use in determining hepatic function.

B. *Form of drug.* Indocyanine green preparations are in powder form suitable for preparing a solution for injection.

C. *Labeling conditions.* 1. The label bears the statement "Caution: Federal law prohibits dispensing without prescription."

2. The drug is labeled to comply with all requirements of the Act and regulations. Its labeling bears adequate directions for safe and effective use of the drug and is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970. The "Indications" section is as follows: (Labeling guidelines for the drug are available from the Administration on request.)

INDICATIONS

The drug is indicated for the measurement of hepatic blood flow, cardiac output and for determining hepatic function.

D. *Indication permitted during extended period for obtaining substantial evidence.* The indication for which the drug is described in paragraph A2 above as probably effective is included in the labeling conditions in paragraph C and may continue to be used for 12 months following the date of this publication to allow additional time within which the holder of the previously approved application or persons marketing the drug without approval may obtain and submit to the Food and Drug Administration, data to provide substantial evidence of effectiveness.

E. *Previously approved applications.* 1. Each holder of a "deemed approved" new drug application (i.e., an application which became effective on the basis of safety prior to Oct. 10, 1962) for such drug is requested to seek approval of the claims of effectiveness and bring the application into conformance by submitting supplements containing:

a. Revised labeling as needed to conform to the labeling conditions described herein for the drug and complete current container labeling, unless recently submitted.

b. Updating information as needed to make the application current in regard to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of the new-drug application form FD-356H to the extent described for abbreviated new-drug applications, § 130.4(f) of the regulations published in the FEDERAL REGISTER April 24, 1970 (35 F.R. 6574). (One supplement may contain all the information described in this paragraph.)

2. Such supplements should be submitted within the following time periods after the date of publication of this notice in the FEDERAL REGISTER:

a. 60 days for revised labeling—the supplement should be submitted under the provisions of § 130.9 (d) and (e) of

the new-drug regulations (21 CFR 130.9) which permit certain changes to be put into effect at the earliest possible time.

b. 60 days for updating information.

3. Marketing of the drug may continue until the supplemental applications submitted in accord with the preceding subparagraphs 1 and 2 are acted upon: *Provided*, That within 60 days after the date of this publication, the labeling of the preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described in this announcement. (It may continue to include the indications referenced in paragraph D for the period stated.)

F. *New applications.* 1. Any other person who distributes or intends to distribute such drug which is intended for the conditions of use for which it has been shown to be effective, as described in paragraph A above, should submit an abbreviated new-drug application meeting the conditions specified in § 130.4(f) (1) and (2), published in the FEDERAL REGISTER April 24, 1970 (35 F.R. 6574). Such applications should include proposed labeling which is in accord with the labeling conditions described herein.

2. Distribution of any such preparation currently on the market without an approved new-drug application may be continued provided that:

a. Within 60 days from the date of publication of this announcement in the FEDERAL REGISTER, the labeling of such preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described herein. (It may continue to include the indication referenced in paragraph D for the period stated.)

b. The manufacturer, packer, or distributor of such drug submits, within 60 days from the date of this publication, a new-drug application to the Food and Drug Administration.

c. The applicant submits within a reasonable time, additional information that may be required for the approval of the application as specified in written communications from the Food and Drug Administration.

d. The application has not been ruled incomplete or unapprovable.

G. *Unapproved use or form of drug.* 1. If the article is labeled or advertised for use in any condition other than those provided for in this announcement, it may be regarded as an unapproved new drug subject to regulatory proceedings until such recommended use is approved in a new-drug application, or is otherwise in accord with this announcement.

2. If the article is proposed for marketing in another form or for a use other than the use provided for in this announcement, appropriate additional information as described in § 130.4 or § 130.9 of the regulations (21 CFR 130.4, 130.9) may be required, including results of animal and clinical tests intended to show whether the drug is safe and effective.

A copy of the NAS-NRC report has been furnished to each firm referred to above. Any other interested person may obtain a copy by request to the appropriate office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 11525 and be directed to the attention of the following appropriate office and addressed (unless otherwise specified) to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (Identify with NDA number): Office of Marketed Drugs (BD-200), Bureau of Drugs.

Original abbreviated new-drug applications (Identify as such): Office of Marketed Drugs (BD-200), Bureau of Drugs.

All other communications regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (BD-201), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 7, 1970.

SAM D. FINE,
Acting Associate Commissioner
for Compliance.

[F.R. Doc. 70-9812; Filed, July 29, 1970;
8:47 a.m.]

[DESI 10070]

PANCREATIC DORNASE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drug:

Dornavac Powder containing pancreatic dornase for inhalation or irrigation therapy; marketed by Merck Sharp & Dohme, Division Merck and Co., Inc., West Point, Pa. 19486 (NDA 10-070).

The drug is regarded as a new drug. The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy report and concludes that:

1. This drug is probably effective as an adjunct in treatment of paranasal sinus infections, for tracheitis sicca, cystic fibrosis of the pancreas, and for reducing tenacity of pulmonary secretions in bronchopulmonary infections.

2. The drug is regarded as possibly effective as an adjunct for obtaining specimens of sputum for cytology in suspected cases of bronchogenic carcinoma, and for adjunctive therapy in management of purulent urinary infections.

B. *Marketing Status.* 1. Those indications for which the drug is described in paragraph A above as probably effective may continue to be used for 12 months, and the indications described as possibly effective may continue to be used for 6 months, following the date of this publication, to allow additional time within which holders of previously approved ap-

plications or persons marketing the drug without approval may obtain and submit to the Food and Drug Administration data to provide substantial evidence of effectiveness.

2. At the end of the 6-month and 12-month periods, any such data will be evaluated to determine whether there is substantial evidence of effectiveness of the drug for such uses. The conclusions concerning the drug will be published in the FEDERAL REGISTER. If no studies have been undertaken or if the studies do not provide substantial evidence of effectiveness, procedures will be initiated to withdraw approval of the new-drug application for the drug, pursuant to the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act. Withdrawal of approval of the application will cause any such drugs on the market to be new drugs for which an approval is not in effect.

3. Within 60 days from publication hereof in the FEDERAL REGISTER, persons marketing the drug without approval should revise labeling, as needed, and the holder of any approved new-drug application for such drug is requested to submit a supplement to his application to provide for revised labeling as needed, which, taking into account the comments of the Academy, furnishes adequate information for safe and effective use of the drug, is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970 (21 CFR 3.74), and recommends use of the drug for the probable effective indications as follows: (The possibly effective indications may also be included for 6 months.)

INDICATIONS

As an adjuvant in treatment of:

Paranasal sinus infections.

Tracheitis sicca.

Cystic fibrosis of the pancreas.

Reducing tenacity of pulmonary secretions in bronchopulmonary infections.

The supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9 (d) and (e)), which permits certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period.

The above named holder of the new-drug application for this drug has been mailed a copy of the NAS-NRC report. Any interested person may obtain a copy of the report by writing to the office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 10070 and be directed to the attention of the following appropriate office and addressed (unless otherwise specified) to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (Identify with NDA number): Office of Marketed Drugs (BD-200), Bureau of Drugs.

Original new-drug applications: Office of New Drugs (BD-100), Bureau of Drugs.

All other communications regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (BD-201), Bureau of Drugs.

Requests for NAS-NRC Reports: Press Relations Staff (CE-200), Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 7, 1970.

SAM D. FINE,
Acting Associate Commissioner
for Compliance.

[F.R. Doc. 70-9811; Filed, July 29, 1970;
8:47 a.m.]

[DESI 8183]

PROMETHAZINE HYDROCHLORIDE FOR DERMATOLOGIC USE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drug:

Phenergan Cream containing 2 percent promethazine hydrochloride; marketed by Wyeth Laboratories, Division American Home Products Corp., Post Office Box 8299, Philadelphia, Pa. 19101 (NDA 8-183).

The drug is regarded as a new drug. The effectiveness classification and marketing status are described below.

A. Effectiveness classification. The Food and Drug Administration has considered the Academy report and concludes that promethazine hydrochloride is possibly effective for its labeled indications as a topical antihistaminic and/or anesthetic for dermatologic use.

B. Marketing status. 1. Holders of previously approved new-drug applications and any person marketing any such drug without approval will be allowed 6 months from the date of publication of this announcement in the FEDERAL REGISTER to obtain and to submit in a supplemental or original new-drug application data to provide substantial evidence of effectiveness for those indications for which this drug has been classified as possibly effective. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published as a final order in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effective-

ness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

2. At the end of the 6-month period, any such data will be evaluated to determine whether there is substantial evidence of effectiveness for such uses. After that evaluation, the conclusions concerning the drug will be published in the FEDERAL REGISTER. If no studies have been undertaken or if the studies do not provide substantial evidence of effectiveness, procedures will be initiated to withdraw approval of the new-drug applications for such drugs, pursuant to the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act. Withdrawal of approval of the applications will cause any such drugs on the market to be new drugs for which an approval is not in effect.

The above named holder of the new-drug application for this drug has been mailed a copy of the NAS-NRC report. Any interested person may obtain a copy of the report by writing to the office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 8183 and be directed to the attention of the following appropriate office and addressed (unless otherwise specified) to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (Identify with NDA number):
Office of Marketed Drugs (BD-200), Bureau of Drugs.

Original new-drug applications: Office of New Drugs (BD-100), Bureau of Drugs.

All other communications regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (BD-201), Bureau of Drugs.

Requests for NAS-NRC Reports: Press Relations Office (CE-200), Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 6, 1970.

SAM D. FINE,
Acting Associate Commissioner
for Compliance.

[F.R. Doc. 70-9809; Filed, July 29, 1970;
8:47 a.m.]

[DESI 5970]

SODIUM TETRADECYL SULFATE SCLEROSING AGENT

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drug:

Sotradecol Sterile Solution, containing 1 percent or 3 percent sodium tetra-

decyl sulfate; marketed by Elkins-Sinn, Inc., 22 Cherry Hill Industrial Center, Cherry Hill, N.J. 08034 (NDA 5-970).

The drug is regarded as a new drug. The effectiveness classification and marketing status are described below.

A. Effectiveness classification. The Food and Drug Administration has considered the Academy report, as well as other available evidence, and concludes that sodium tetradecyl sulfate is probably effective as a sclerosing agent for varicose veins and internal hemorrhoids.

B. Marketing status. 1. The indication for which the drug is described in paragraph A above as probably effective may continue to be used for 12 months following the date of this publication, to allow additional time within which holders of previously approved applications or persons marketing the drug without approval may obtain and submit to the Food and Drug Administration data to provide substantial evidence of effectiveness. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review as described in § 130.12(a)(5) of the regulations published as a final order in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

2. At the end of the 12-month period, any such data will be evaluated to determine whether there is substantial evidence of effectiveness of the drug for such uses. The conclusions concerning the drug will be published in the FEDERAL REGISTER. If no studies have been undertaken or if the studies do not provide substantial evidence of effectiveness, procedures will be initiated to withdraw approval of the new-drug application for the drug, pursuant to the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act. Withdrawal of approval of the application will cause any such drugs on the market to be new drugs for which an approval is not in effect.

3. Within 60 days from publication hereof in the FEDERAL REGISTER, any person marketing such drug without an approved NDA should provide for revised labeling, and the holder of any approved new-drug application for such drug is requested to submit a supplement to his application to provide for revised labeling as needed, which, taking into account the comments of the Academy, furnishes adequate information for safe and effective use of the drug, is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970 (21 CFR 3.74) and recommends use of the drug for the probably effective indication as follows:

INDICATIONS

Sodium tetradecyl sulfate may be used as a sclerosing agent for varicose veins and internal hemorrhoids.

The supplement should be submitted under the provisions of § 130.9 (d) and (3) of the new-drug regulations (21 CFR 130.9 (d) and (e)), which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period.

The above-named holder of the new-drug application for this drug has been mailed a copy of the NAS-NRC report. Any interested person may obtain a copy of this report by writing to the office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 5970 and be directed to the attention of the following appropriate office and addressed (unless otherwise specified) to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (Identify with NDA number): Office of Marketed Drugs (BD-200), Bureau of Drugs.

Original new-drug application: Office of New Drugs (BD-100), Bureau of Drugs.

All other communications regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (BD-201), Bureau of Drugs.

Requests for NAS-NRC Report: Press Relations Staff (CE-200), Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 13, 1970.

SAM D. FINE,
Acting Associate Commissioner
for Compliance.

[F.R. Doc. 70-9808; Filed, July 29, 1970;
8:47 a.m.]

[DESI 9206]

TELLURIUM DIOXIDE SUSPENSION; AND Selenium Sulfide With Hydrocortisone Acetate Ointment

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following antiseborrheic drugs for topical use:

1. Teles Suspension, Torch, containing tellurium dioxide, marketed by Torch Laboratories, Inc., 542 Industrial Park Drive, Yeadon, Pa. 19051 (NDA 9-206).

2. Selsunef Ointment, containing selenium sulfide and hydrocortisone acetate, marketed by Abbott Laboratories, 14th

and Sheridan Road, North Chicago, Ill. 60064 (NDA 10-431).

These drugs are regarded as new drugs. The effectiveness classification and marketing status are described below.

A. Effectiveness classification. The Food and Drug Administration has considered the Academy reports as well as other available evidence and concludes that tellurium dioxide suspension is possibly effective for the treatment of seborrheic dermatitis of the scalp, axillae, chest, and pubic regions.

Selenium sulfide with hydrocortisone acetate ointment is possibly effective for seborrheic dermatitis of the auditory canal and other limited areas of the body; allergic dermatoses with seborrheic involvement, such as contact dermatitis and atopic dermatitis; and for the treatment of marginal blepharitis and seborrheic inflammation of the eyelids and skin.

B. Marketing status. 1. Holders of previously approved new-drug applications and any person marketing any such drug without approval will be allowed 6 months from the date of publication of this announcement in the FEDERAL REGISTER to obtain and to submit in a supplemental or original new-drug application data to provide substantial evidence of effectiveness for those indications for which these drugs have been classified as possibly effective. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published as a final order in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

2. At the end of the 6-month period, any such data will be evaluated to determine whether there is substantial evidence of effectiveness for such uses. After that evaluation, the conclusions concerning the drugs will be published in the FEDERAL REGISTER. If no studies have been undertaken or if the studies do not provide substantial evidence of effectiveness, procedures will be initiated to withdraw approval of the new-drug applications for such drugs, pursuant to the provisions of section 505(e) of the Federal Food, Drug and Cosmetic Act. Withdrawal of approval of the applications will cause any such drugs on the market to be new drugs for which an approval is not in effect.

The above named holders of the new-drug applications for these drugs have been mailed a copy of the NAS-NRC report. Any interested person may obtain a copy of these reports by writing to the office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 9206 and be directed to the attention of the following appropriate office and addressed (unless otherwise specified) to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (Identify with NDA number): Office of Marketed Drugs (BD-200), Bureau of Drugs.

Original new-drug applications: Office of New Drugs (BD-100), Bureau of Drugs.

All other communications regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (BD-201), Bureau of Drugs.

Requests for NAS-NRC Reports: Press Relations Office (CE-200), Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 7, 1970.

SAM D. FINE,
Acting Associate Commissioner
for Compliance.

[F.R. Doc. 70-9810; Filed, July 29, 1970;
8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-200]

BABCOCK AND WILCOX CO.

Notice of Issuance of Amendment to Facility License

The Atomic Energy Commission (the Commission) has issued, effective as of the date of issuance, Amendment No. 1 to Facility License No. TR-4 dated January 25, 1964. The license presently authorizes the Babcock and Wilcox Co. to possess, use, and operate the heterogeneous, light water cooled and moderated test reactor located on Babcock and Wilcox's Nuclear Development Center in Campbell County, Va. The amendment deletes the reporting and record-keeping requirements from the license and incorporates them in a revised section of the Technical Specifications issued with Amendment No. 1 as Change No. 9.

The Commission has found that the application for the amendment complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations published in 10 CFR Ch. I. The Commission has made the findings required by the Act and the Commission's regulations which are set forth in the amendment, and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within fifteen (15) days from the date of publication of the notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated June 18, 1970, (2) the amendment to the facility license, and (3) the change to the Technical Specifications, which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW, Washington, D.C. Copies of the amendment may be obtained upon request sent to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 21st day of July 1970.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 70-9799; Filed, July 29, 1970;
8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 502]

COMMON CARRIER SERVICES INFORMATION ¹

Domestic Public Radio Services Applications Accepted for Filing ²

JULY 27, 1970.

Pursuant to §§ 1.227(b)(3) and 21.26 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed applica-

tion (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest

action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS
COMMISSION,
BEN F. WAPLE,
Secretary.

[SEAL]

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign, and nature of application

- 8914-C2-P-70—Nevada Telephone-Telegraph Co. (KQZ763), C.P. to change power of transmitter operating on 152.63 MHz at its station located at Mount Brock, approximately 1 mile south of Tonopah, Nev.
- 193-C2-P-71—Radiocall, Inc. (New), C.P. for a new 1-way-signaling station. Frequency: 152.24 MHz. Location: 495 Kilohana Street, Hilo, Hawaii.
- 194-C2-P-(4)-71—Allegheny Mobile Communications (KGA252), C.P. to add base facilities to operate on 454.025, 454.075, 454.125, and 454.175 MHz at a new site identified as location No. 3: 1411 Grandview Avenue, Pittsburgh, Pa.
- 213-C2-P-(2)-71—The Pacific Telephone & Telegraph Co. (KME435), C.P. to relocate base standby transmitter operating on 152.54 and 152.60 MHz to a new site identified as location No. 2: 3580 Orange Street, Riverside, Calif.
- 214-C2-P-71—Radiofone Corp. of America (KQZ777), C.P. to change antenna system for authorized base frequency 454.05 MHz operating at Telegraph Hill, Holmdel, N.J.
- 223-C2-P-71—Kentucky Mobile Telephone Co. (New), C.P. for a new air-ground station. Base frequency: 454.750 MHz. Signaling frequency: 454.675 MHz. Location: Hilltop 1,000 feet southeast of Cumberland Avenue and U.S. 25E intersection, Middlesboro, Ky.
- 224-C2-P-71—Mobile Telephone Co. of New Jersey (New), C.P. for a new 2-way station. Base frequency: 454.225 MHz. Location: 558 Ingham Avenue, Trenton, N.J.
- 225-C2-P-(2)-71—The Pacific Telephone & Telegraph Co. (KME432), C.P. to relocate standby transmitter operating on 152.54 and 152.60 MHz to a new site identified as location No. 3: 217 North Lemon Street, Anaheim, Calif.
- 292-C2-P-71—Edisto Telephone Co., Inc. (New), C.P. for a new 2-way station. Base frequency: 152.57 MHz. Location: 0.7 mile west-southwest of North, S.C.
- 293-C2-P-71—The Bell Telephone Co. of Pennsylvania (KGH867), C.P. to add a second channel, namely, 152.54 MHz at its existing site at 11th and Pardee Street, Hazleton, Pa.
- 305-C2-P-(2)-71—John Leo Collins, doing business as Collins Communications Co. (KLF605), Modification of C.P. to change proposed site location No. 1: from Cultus Mountain, 5.2 miles southeast of Sedro Wooley to Cultus Mountain, 4.3 miles southeast of Sedro Wooley, Wash., and change base frequency from 152.06 MHz to 152.15 MHz also change proposed control frequency from 158.52 MHz to 158.61 MHz to be located at location No. 2: 1329 Fir Street, Mount Vernon, Wash.
- 372-C2-P-71—Jay-En, Inc. (New), C.P. for a new air-ground station. Base frequency: 454.900 MHz. Signaling frequency: 454.675 MHz. Location: Fifth Avenue West and 10th Street, Duluth, Minn.
- 373-C2-P-71—Central Telephone Co., Inc. (KLB325), C.P. to change antenna system and replace base transmitter operating on 152.69 MHz at its station at Decatur, Tex.
- 285-C2-ML-71—Southwestern Bell Telephone Co. (KKJ457), Modify license to change base frequency from 152.63 MHz to 152.51 MHz at its existing station 4.9 miles south of Mirando City, Tex.

Informative

It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reason of potential electrical interference.

Indiana

- RAM Broadcasting of Indiana, Inc., Indianapolis, Ind. (New), File No. 3939-C2-P-70.
- Curtin-Call Communications, Inc., Indianapolis, Ind. (New), File No. 2080-C2-P-70.
- RAM Broadcasting of Indiana, Inc., Indianapolis, Ind. (New), File No. 3720-C2-P-(2)-70.
- Radio Telephone Co. of Indiana, Inc., Indianapolis, Ind. (New), File No. 4580-C2-P-70.

RURAL RADIO SERVICE

- 195-C1-P/L-71—The Mountain States Telephone & Telegraph Co. (New), C.P. and license for a new rural subscriber station. Frequency: 157.95 MHz. Subscriber and location: Dr. P. D. Pallister, 12.8 miles south-southeast of Boulder, Mont.
- 196-C1-MP-71—The Midland Telephone Co. (WAX70), Modification of C.P. to change antenna system at its proposed relay station located 12.6 miles east-southeast of Moab, Bald Mesa, Utah, to operate on 454.40 MHz.
- 197-C1-MP-71—The Midland Telephone Co. (WAX71), Modification of C.P. to change antenna system at its proposed interoffice station located 53 miles northwest of Mexican Hat, Bullfrog Mesa, Utah, to operate on 459.40 MHz.

¹ All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

² The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

294-C1-P-71—The Mountain States Telephone & Telegraph Co. (WAN73), C.P. and modification of license to replace transmitter operating on 157.89 MHz at its rural subscriber station located 6.2 miles east of Sargents, Colo.

The following applications have been received for stations at Fixed Point in Arizona and New Mexico which were formerly authorized to the Bureau of Indian Affairs, Department of the Interior.

389-C1-P-71—Navajo Communications Co. (New), C.P. for a rural subscriber station. Frequency: 164.550 MHz. Location: Huerfano, N. Mex.

390-C1-P-71—Navajo Communications Co. (New), C.P. for a rural subscriber station. Frequency: 164.550 MHz. Location: Dinnebito School, 23 Km. north of Oraibi, Ariz.

391-C1-P-71—Navajo Communications Co. (New), C.P. for a rural subscriber station. Frequency: 164.625 MHz. Location: Smoke Signal School 25 Km. northwest of Keams Canyon, Ariz.

392-C1-P-71—Navajo Communications Co. (New), C.P. for a rural subscriber station. Frequency: 164.550 MHz. Location: Bread Springs, 14 Km. southeast of Gallup, N. Mex.

393-C1-P-71—Navajo Communications Co. (New), C.P. for a rural subscriber station. Frequency: 164.55 MHz. Location: Ojo-Encino, N. Mex.

394-C1-P-71—Navajo Communications Co. (New), C.P. for a rural subscriber station. Frequency: 164.625 MHz. Location: Chilichinbito School, 25 Km. west of Rough Rock, Ariz.

395-C1-P-71—Navajo Communications Co. (New), C.P. for a rural subscriber station. Frequency: 164.625 MHz. Location: Low Mountain School, 18 Km. northeast of Keams Canyon, Ariz.

398-C1-P-71—Navajo Communications Co. (New), C.P. for a relay station. Frequencies: 169.725 and 172.600 MHz. Location: Preston Mesa, 25 Km. northwest of Tuba City, Ariz.

397-C1-P-71—Navajo Communications Co. (New), C.P. for a relay station. Frequencies: 169.775 and 172.600 MHz. Location: Washington Pass, 18 Km. southwest of Sheep Springs, N. Mex.

398-C1-P-71—Navajo Communications Co. (New), C.P. for a central office station. Frequency: 163.125 MHz. Location: Tuba City, Ariz.

399-C1-P-71—Navajo Communications Co. (New), C.P. for a central office station. Frequency: 163.125 MHz. Location: Crownpoint, N. Mex.

400-C1-P-71—Navajo Communications Co. (New), C.P. for a central office station. Frequency: 411.825 MHz. Location: Chinle, Ariz.

401-C1-P-71—Navajo Communications Co. (New), C.P. for a relay station. Frequencies: 172.750 and 417.925 MHz. Location: Yale Point, Ariz.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)

American Telephone & Telegraph Co. Fifteen C.P. applications to construct one additional Type TD-2 radio relay channel from Polk City to Pensacola, Fla., and from Columbia to Paris Mountain, S.C., and one Collins Radio Co. Type MW108D channel from Pensacola to Miami, Fla.

198-C1-P-71—American Telephone & Telegraph Co. (KJC99), Add frequency 4150 MHz toward Lake Hamilton, Fla. Station location: 7.5 miles north of Polk City, Fla.

199-C1-P-71—American Telephone & Telegraph Co. (KJM20), Add frequency 4110 MHz toward Frostproof, Fla. Station location: east edge of Lake Hamilton, Fla.

200-C1-P-71—American Telephone & Telegraph Co. (KJM21), Add frequency 4150 MHz toward Sebring, Fla. Station location: approximately 4 miles west-southwest of Frostproof, Fla.

201-C1-P-71—American Telephone & Telegraph Co. (KJM22), Add frequency 4110 MHz toward Childs, Fla. Station location: 4.25 miles west-southwest of Sebring, Fla.

202-C1-P-71—American Telephone & Telegraph Co. (KJM23), Add frequency 4150 MHz toward Palmdale, Fla. Station location: 1 mile east-southeast of Childs, Fla.

203-C1-P-71—American Telephone & Telegraph Co. (KJM24), Add frequency 4110 MHz toward Moore Haven, Fla. Station location: approximately 0.5 mile east-northeast of Palmdale, Fla.

204-C1-P-71—American Telephone & Telegraph Co. (KJM25), Add frequency 4150 MHz toward Clewiston Junction, Fla. Station location: Approximately 4.5 miles south-southeast of Moore Haven, Fla.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

205-C1-P-71—American Telephone & Telegraph Co. (KJM26), Add frequency 4110 MHz toward Okeelanta, Fla. Station location: 8.25 miles south of Clewiston, Fla.

206-C1-P-71—American Telephone & Telegraph Co. (KJM27), Add frequency 4150 MHz toward Andytown North, Fla. Station location: Approximately 7.5 miles south-southeast of Okeelanta, Fla.

207-C1-P-71—American Telephone & Telegraph Co. (KJM28), Add frequency 4110 MHz toward Andytown South, Fla. Station location: Approximately 13 miles north-northwest of Andytown, Fla.

208-C1-P-71—American Telephone & Telegraph Co. (KJM29), Add frequency 4150 MHz toward Pensacola, Fla. Station location: Andytown South, 8.7 miles south of Andytown, Fla.

209-C1-P-71—American Telephone & Telegraph Co. (KJH70), Add frequencies 5945.2, 6083.8, and 6004.5 MHz toward Miami, Fla. Station location: 6 miles west-southwest of Pensacola, Fla.

210-C1-P-71—American Telephone & Telegraph Co. (KJC28), Add frequency 4010 MHz toward Chapin, S.C. Station location: 1645 Hampton Street, Columbia, S.C.

211-C1-P-71—American Telephone & Telegraph Co. (KJC27), Add frequency 3970 MHz toward Clinton, S.C. Station location: 3.5 miles north-west of Chapin, S.C.

212-C1-P-71—American Telephone & Telegraph Co. (KJC26), Add frequency 4010 MHz toward Paris Mountain, S.C. Station location: 208 Broad Street, Clinton, S.C.

American Telephone & Telegraph Co. Eleven C.P. applications to construct one pair of plant maintenance channels utilizing Farinon Electric Co. equipment in the radio relay route sections of Tekoa, Wash.-Coeur D'Alene, Idaho, Type Farinon Equipment SS4000A, Buckhorn Mountain, Colo., Cheyenne Junction, Wyo., SS4000A, Julesburg, Colo.-Prospect Valley, Colo., SS4000A, and Stansbury Island, Utah-Cedar Mountain, Utah, SS2000T2.

228-C1-P-71—American Telephone & Telegraph Co. (KOY87), Add frequency 4190 MHz toward Cour D'Alene, Idaho. Station location: 2.2 miles north of Tekoa, Wash.

227-C1-P-71—American Telephone & Telegraph Co. (KOY86), Add frequency 4198 MHz toward Tekoa, Wash. Station location: 4 miles northwest of Roselake, Idaho.

228-C1-P-71—American Telephone & Telegraph Co. (KAC61), Add frequency 4198 MHz toward Cheyenne Junction, Wyo. Station location: 8 miles west of Bellevue, Colo.

229-C1-P-71—American Telephone & Telegraph Co. (KOY87), Add frequency 4190 MHz toward Buckhorn Mountain, Colo. Station location: 7 miles southwest of Cheyenne, Wyo.

230-C1-P-71—American Telephone & Telegraph Co. (KAC30), Add frequency 4198 MHz toward Peetz, Colo. Station location: 4.5 miles southeast of Julesburg, Colo.

231-C1-P-71—American Telephone & Telegraph Co. (KAB39), Add frequency 4190 MHz toward Julesburg and Atwood, Colo. Station location: 10 miles east of Peetz, Colo.

232-C1-P-71—American Telephone & Telegraph Co. (KAB28), Add frequency 4198 MHz toward Peetz, and Fort Morgan, Colo. Station location: 5.5 miles southeast of Atwood, Colo.

233-C1-P-71—American Telephone & Telegraph Co. (KAB27), Add frequency 4190 MHz toward Atwood, and Prospect Valley, Colo. Station location: 6.5 miles northwest of Snyder, Colo.

234-C1-P-71—American Telephone & Telegraph Co. (KAB26), Add frequency 4198 MHz toward Fort Morgan, Colo. Station location: 6.5 miles east of Prospect Valley.

235-C1-P-71—American Telephone & Telegraph Co. (KOB25), Add frequency 2179 MHz toward Cedar Mountain, Utah. Station location: Stansbury Island, Utah, 7 miles east of Timple, Utah.

236-C1-P-71—American Telephone & Telegraph Co. (KOB24), Add frequency 2129 MHz toward Stansbury Island, Utah. Station location: Cedar Mountain, 5 miles northeast of Lov, Utah.

295-C1-P-71—New York Telephone Co. (New), C.P. and license for a new station to be located at 125 Worth Street, New York, N.Y. Frequency: 6152.8 MHz toward New York, N.Y.

296-C1-P-71—New York Telephone Co. (New), C.P. and license for a new station to be located at 137 Centre Street, New York, N.Y. Frequency: 5974.8 MHz toward New York, N.Y.

- 297-C1-P-71—General Telephone Co. of Upstate New York, Inc. (KEH87), C.P. to change antenna system and correct azimuth and length of radio path. Location: 136-142 Erwin Street, Boonville, N.Y. Frequency: 5937.8 and 6115.7 MHz toward Flatrock, N.Y.
- 298-C1-P-71—General Telephone Co. of Upstate New York, Inc. (KEH88), C.P. to replace transmitter and change antenna system. Station location: 5.3 miles southwest of Old Forge on Flatrock Mountain, Webb, N.Y.
- 299-C1-P-71—General Telephone Co. of Upstate New York, Inc. (KEH89), C.P. to replace transmitter, change antenna location and system. Station location: Main Street, Old Forge, N.Y.
- 300-C1-P-71—The Ohio Bell Telephone Co. (KQO38), C.P. to delete frequency 6308.4 MHz toward Paris, Ohio, and add frequencies 6323.3, 6326.6, and 11,565 MHz toward Paris, Ohio. Station location: 401 Cleveland Avenue, Canton, Ohio.
- 301-C1-P-71—The Ohio Bell Telephone Co. (KQO27), C.P. to delete frequency 6056.4 MHz toward Canton, Ohio, and 6071.2 MHz toward Edinburg, Ohio; add frequencies 6071.2, 6130.5, and 11,115 MHz toward Canton, Ohio, and add 6056.4, 6115.7, and 10,915 MHz toward Edinburg, Ohio. Station location: 11601 Georgetown Street, Paris, Ohio.
- 302-C1-P-71—The Ohio Bell Telephone Co. (KQO24), C.P. to delete frequency 6308.4 MHz toward Youngstown, Ohio, and 6323.3 MHz toward Paris, Ohio; add frequency 6323.3, 6326.6, and 11,565 MHz toward Youngstown, Ohio, and 6308.4, 6307.1, and 11,365 MHz toward Paris, Ohio. Station location: Alliance Road, 0.9 mile southeast of Edinburg, Ohio.
- 303-C1-P-71—The Ohio Bell Telephone Co. (KQO96), C.P. to delete frequency 6056.4 MHz toward Edinburg, Ohio, and add 6071.2, 6130.5, and 11,115 MHz toward Edinburg, Ohio. Station location: 7 North Osborn Avenue, Youngstown, Ohio.
- 304-C1-P-71—South Central Bell Telephone Co. (KJH23), C.P. to add frequency 11,465 MHz toward Anchorage, Ky. Station location: 521 West Chestnut Street, Louisville, Ky.
- 374-C1-P-71—The Pacific Telephone & Telegraph Co. (KMO89), C.P. to add frequencies 10,775 and 11,015 MHz toward Cloverdale, Calif. Station location: 516 Third Street, Santa Rosa, Calif.
- 375-C1-P-71—The Pacific Telephone & Telegraph Co. (KMO90), C.P. to add frequencies 11,425 and 11,665 MHz toward Santa Rosa, Calif., and 11,385 and 11,625 MHz toward Ukiah, Calif. Station location: 5 miles north of Cloverdale.
- 376-C1-P-71—The Pacific Telephone & Telegraph Co. (KNL51), C.P. to add frequencies 10,735 and 10,975 MHz toward Cloverdale, Calif. Station location: 305 West Stephenson Street, Ukiah, Calif.

The following applications have been received for stations at Fixed Point in Arizona and New Mexico which were formerly authorized to the Bureau of Indian Affairs, Department of the Interior.

- 377-C1-P-71—Navajo Communications Co. (New), C.P. for a new station to be located at Kayenta, Ariz. Frequencies: 7814.3 and 7932.7 MHz toward Black Mesa, Ariz.
- 378-C1-P-71—Navajo Communications Co. (New), C.P. for a new station to be located at Black Mesa, 8.1 miles southwest of Kayenta, Ariz. Frequencies: 8184.3 and 8361.9 MHz toward Preston Mesa, 8125.1 and 8243.5 MHz toward Kayenta, and 1779.0 MHz toward Shonto, and 1749.0 MHz toward Peabody Coalmine, Ariz.
- 379-C1-P-71—Navajo Communications Co. (New), C.P. for a new station to be located at Peabody Coal Mine, 12.5 miles northwest of Forest Lake, Ariz. Frequencies: 1799.0 MHz toward Black Mesa, Ariz.
- 380-C1-P-71—Navajo Communications Co. (New), C.P. for a new station to be located at Shonto, Ariz. Frequency: 1791.0 MHz toward Navajo National Monument, Ariz.
- 381-C1-P-71—Navajo Communications Co. (New), C.P. for a new station to be located at Shonto, Ariz. Frequency: 1714.0 MHz toward Shonto, Ariz.
- 382-C1-P-71—Navajo Communications Co. (New), C.P. for a new station to be located at Preston Mesa, 15 miles northwest of Tuba City, Ariz. Frequencies: 8125.1 and 8243.5 MHz toward Graveyard Junction, Ariz., and 7878.5 and 8051.1 MHz toward Black Mesa, Ariz.
- 383-C1-P-71—Navajo Communications Co. (New), C.P. for a new station to be located at Graveyard Junction, 3,000 west of Tuba City, Ariz. Frequencies: 4448.5 and 4564.5 MHz toward Mount Elden, Ariz.

- 384-C1-P-71—Navajo Communications Co. (New), C.P. for a new station to be located at Chinle, Ariz. Frequencies: 7800.0 and 7850.0 MHz toward Cottonwood Junction, Ariz.
- 385-C1-P-71—Navajo Communications Co. (New), C.P. for a new station to be located at Cottonwood Junction, 6.5 miles southwest of Chinle, Ariz. Frequencies: 7175.0 and 7225.0 MHz toward Chinle; and 7137.5 and 7187.5 MHz toward Ganado Mesa, Ariz.
- 386-C1-P-71—Navajo Communications Co. (New), C.P. for a new station to be located at Ganado Mesa, 5 miles northwest of Ganado, Ariz. Frequencies: 7800.0 and 7850.0 MHz toward Defiance Summit; and 7762.5 and 7812.5 MHz toward Cottonwood Junction, Ariz.
- 387-C1-P-71—Navajo Communications Co. (New), C.P. for a new station to be located at Defiance Summit, 8.5 miles west of Window Rock, Ariz. Frequencies: 7137.5 and 7187.5 MHz toward Rattlesnake Ridge, N. Mex., and 7175.0 and 7225.0 MHz toward Ganado Mesa, Ariz.
- 388-C1-P-71—Navajo Communications Co. (New), C.P. for a new station to be located at Rattlesnake Ridge, 1.1 miles east of Window Rock, Ariz. Frequencies: 7762.5 and 7812.5 MHz toward Defiance Summit, Ariz.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

- 7293-C1-ML-70—West Texas Microwave Co. (KLR75), Modification of license to pick up ABC Radio Network programming for transmission, via audio subcarrier, to subscribers.
- 7294-C1-ML-70—West Texas Microwave Co. (KXS49), Modification of license to provide audio subcarrier service to subscriber at Midland, Tex.
- 7295-C1-ML-70—West Texas Microwave Co. (KKU85), Modification of license to provide audio subcarrier service to subscriber at Odessa, Tex.
- (Informative: Applicant proposes to deliver the radio programming of the American Broadcasting Co. (ABC) to radio stations KWEL, Midland, Tex., and KOYL, Odessa, Tex.)
- 404-C1-AP-(2)-71—United Video, Inc. Consent of assignment of construction permits from: United Video, Inc., to: CableCom General, Inc. Stations: Call WB089, Mountain Springs, Tex.; Call WB090, Thackerville, Okla.
- 405-C1-P-71—Cablecom-General, Inc. (New), C.P. for a new station to be located at 0.4 mile west of Ardmore, Okla. Frequencies: 11,385 and 11,625 MHz toward Loco, Okla., on azimuth 292°25'.
- 406-C1-P-71—Cablecom-General, Inc. (New), C.P. for a new station at 5.2 miles east-south-east of Loco, Okla., at latitude 34°18'46" N., longitude 97°35'66" W. Frequencies: 10,775 and 11,015 MHz on azimuth 312°48'.
- 407-C1-P-71—Cablecom-General, Inc. (New), C.P. for a new station 5 miles North of Duncan, Oklahoma, at latitude 34°34'15.9" N., longitude 97°55'40.2" W. Frequency: 11,385 MHz on azimuth 273°43'.
- (Informative: Applicant proposes to provide the television signals of stations KTVT and KDTV of Dallas, Tex., to Cablecom-General in Ardmore, Okla., and to United Video, Inc., at Duncan, Okla., and provide KTVT to Lawton Cablevision in Lawton, Okla.)
- 410-C1-P-71—Eastern Microwave, Inc. (KEM35), C.P. to add frequency 6390.0 MHz and power split frequencies 5960.0, 6049.0 and 6138.0 MHz on azimuth 36°12'. Location: Ingraham Hill, near Binghamton, N.Y., at latitude 42°03'43" N., longitude 75°57'03" W.
- (Informative: Applicant will provide television service to Empire State Cable Co., Inc., at the new headend building to be located in the city of Binghamton in lieu of the present location on Ingraham Hill. Applicant is requesting a waiver of section 21.701(i) of the FCC rules with regard to frequency 6390.0 MHz.)

Major Amendment—Correction

- 8371-C1-P-70—Microwave Communications, Inc. (New), Location corrected to read: Dubuque, Iowa, and geographic coordinates to latitude 42°30'03" N., longitude 90°39'56" W. All other particulars same as reported in public notice report No. 497 dated June 22, 1970.

[F.R. Doc. 70-9836; Filed, July 29, 1970; 8:49 a.m.]

[Docket No. 18875]

FUTURE LICENSING OF FACILITIES FOR OVERSEAS COMMUNICATIONS**Order Extending Time for Comments and Replies**

1. The Commission has for consideration (a) a motion for extension of time in which to file comments and replies herein, filed July 2, 1970, by the Communications Satellite Corp. (Comsat), (b) an opposition, filed July 7, 1970, by American Telephone and Telegraph Co. (A.T. & T.), (c) an opposition, filed July 9, 1970 by ITT World Communications, Inc. (ITTWC), (d) comments, filed July 8, 1970, by RCA Global Communications, Inc. (RCA), and a (e) reply, filed July 13, 1970, by Western Union International, Inc. (WUI).

2. The above-captioned matter was instituted on June 16, 1970, through issuance of a notice of inquiry requesting interested parties to file comments by August 16, 1970, and reply comments by September 21, 1970, on a number of factors involved in the provision of overseas communications facilities and services. The purpose of the proceeding is to provide a basis for the formulation of a policy which will govern future licensing practice and procedures in the field of overseas communications.

3. Comsat requests an extension of 2 months within which to file comments. In support thereof, Comsat contends that the material required for a meaningful response to the notice is both complex and voluminous and involves a consideration of major policy matters relating to the international communication industry which cannot adequately be prepared within the time currently allotted. The seasonal reduction of available staff due to vacations, and major proceedings in which Comsat is currently involved are also cited as factors which increase the difficulty of making a timely response to the notice of inquiry.

4. While Comsat appreciates the need to expeditiously resolve the issues in this proceeding so as to assure timely availability of facilities and services, it does not believe that the extension of time requested will adversely affect overseas services but rather will enable a more responsible and comprehensive treatment of the subject matter involved and thus insure a sounder basis upon which the Commission can make informed judgments. Finally, Comsat notes that the matters contained in the notice of inquiry are the product of Commission deliberation following consideration of correspondence initiated last summer and states that it seems only fitting that preparation of the material required by the notice of inquiry merits more time than allotted.

5. A.T. & T. opposes the motion for extension of time on the grounds that the information and data requested in the notice of inquiry is reasonably available and that the matters relating to this proceeding have been under continuing study by the parties many months prior to the issuance of the

notice. In view of the rapid growth of overseas communications services, A.T. & T. believes a delay in making policy determinations would adversely affect the provision of needed facilities. ITTWC expresses similar views. RCA supports Comsat's contention that additional time for filing comments should be permitted but believes that the period of 2 months requested by Comsat is "more than adequate".

6. While WUI recognizes the need for expedition in resolving the issues in this proceeding, it believes that the time for filing comments should be extended to September 15 and reply comments to October 15, 1970. In addition, WUI suggests that comments on the portion of Item I specified in the notice of inquiry dealing with "competition between satellites and other media", should be separately treated and submitted on or before October 23 and reply comments on or before November 25, 1970.

DISCUSSION

7. As is evident from our notice of inquiry, the increasing complexity of overseas communications requires extensive review of existing and proposed facilities and services to insure intelligent planning to meet future needs. While this is a formidable objective requiring a major effort of all interested parties, we do not believe that the amount of additional time requested by Comsat is warranted. Events prior to the issuance of our notice have familiarized the parties with the general nature of the problem and focused attention on the major areas of concern. On the other hand, we acknowledge that some additional time should enable Comsat, and others, to refine their views more fully and thereby accelerate our evaluation and review. However, we do not believe that the portion of Item 1 dealing with competition between satellites and other media should be separately treated as the subject of an additional extension of time beyond that which we will grant herein.

8. Accordingly, pursuant to § 0.303(c) of the Commission's rules on delegations of authority, Comsat's motion is granted in part, and the time for filing comments is extended to September 14, and the time for filing reply comments is extended to October 19, 1970.

Adopted: July 22, 1970.

Released: July 23, 1970.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] ASHER H. ENDE,
Acting Chief,
Common Carrier Bureau.

[F.R. Doc. 70-9836; Filed, July 29, 1970;
8:49 a.m.]

[FCC 70-797]

STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

JULY 24, 1970.

The following application was tendered May 22, 1970, seeking to reestablish

the identical facilities of former station KPGE, Page, Ariz. Accordingly, and consistent with the Commission's statement in its memorandum opinion and order, FCC 69-1334, of December 5, 1969, deleting the KPGE authorization, we have this date waived the provisions of note 2 to section 1.571 of the Commission's rules and accepted this application for filing. Similarly, we will accept any other application for consolidation which proposes essentially the same facilities.

NEW, Page, Ariz., Lake Powell Communications, Req: 1340 kc., 250 w., 1 kw.-LS, U.

Pursuant to the provisions of §§ 1.227 (b) (1), 1.591(b) and note 2 to § 1.571 of the Commission's rules, an application, in order to be considered with this application, must be in direct conflict and tendered no later than August 31, 1970.

The attention of any party in interest desiring to file pleadings concerning this application, pursuant to section 309(d) (1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for the provisions governing the time of filing and other requirements related to such pleadings.

Action by the Commission July 22, 1970. Commissioners Bartley (Acting Chairman), Robert E. Lee, Cox, H. Rex Lee, and Wells, with Commissioner Johnson dissenting.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-9834; Filed, July 29, 1970;
8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 22369; Order 70-7-120]

ALOHA AIRLINES, INC. AND HAWAIIAN AIRLINES, INC.**Order Granting Application**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of July 1970.

By application filed July 16, 1970, Aloha Airlines, Inc. (Aloha), and Hawaiian Airlines, Inc. (Hawaiian), request authority from the Board to engage in scheduling discussions.

In support of their request, the applicants state that Aloha and Hawaiian have entered into a letter agreement dated July 9, 1970, to merge the two companies and a definitive agreement is now being negotiated. Pending the completion of the merger agreement and Board approval of the merger, the parties desire to discuss the schedules to be operated between the islands with a view towards more economic operations. They state that both parties are of the view that some adjustment of schedules within Hawaii may be conducive to higher but still reasonable load factors with more

economic operating results for two carriers.¹

The parties request expeditious consideration of their request because fall schedules become effective September 8, 1970, and should be in the hands of the publishers of the Official Guide no later than August 1.

No comments opposing the application have been received.²

Upon consideration of the material contained in the application, we have decided to grant Aloha and Hawaiian authority to discuss their respective scheduling practices in the intra-Hawaiian markets. We have had occasion recently to observe that both carriers have been consciously scheduling more flights than the available traffic will support, and that their voluntary action to better tailor their schedules to the demand would aid them in avoiding submarginal load factors. Hawaiian Service Investigation, Order 70-4-81. The examiner in the pending subsidy investigation affecting these carriers, Docket 20244, has noted that joint voluntary action by the carriers to eliminate their uneconomic scheduling practices would serve to aid their economic positions. In view of our observation in Order 70-4-81; the pending merger talks between the parties; and the possibility, if the examiner's decision in Docket 20244 were to be adopted by the Board, that these uneconomic scheduling practices will again affect the expenditure of Federal subsidies to these carriers, we believe that the applicants' instant request to discuss their schedules would be in the public interest.³ As in other cases of this nature, the authority granted herein will be subject to the condition that the meetings be held in Washington, D.C. with a Board observer in attendance at all scheduling discussion meetings; that minutes be kept of all such meetings and filed with the Board; and that any agreement reached as a result of the discussions be filed with the Board for approval under section 412 of the Act.

Accordingly, it is ordered, That:

1. The application of Aloha and Hawaiian in Docket 22369 be and it hereby is granted subject to the following conditions:

¹ The applicants point out that the appropriateness of such discussions has been recognized by the examiner in his initial decision in Docket 20244 at page 55. The Board by Order 70-7-30, July 7, 1970 has decided to review the examiner's initial decision in Docket 20244. Thus while we take notice of certain of the information contained in that docket, our decision to grant the applicants' instant request is in no way indicative of our ultimate disposition of the matter contained in Docket 20244.

² The applicants state that various Hawaiian civil parties have represented informally that they do not oppose the application. The State of Hawaii, through its attorney general, filed a telegraphic answer supporting the application and requesting to participate in the discussions. We will allow a State representative to observe the discussions.

³ We would expect that the discussions would not result in deterioration of a proper level of service available to the traveling public.

(a) The discussions shall be held in Washington, D.C., and representatives of the Civil Aeronautics Board and the State of Hawaii shall be permitted to attend the discussions as observers;

(b) Grant of the petition shall not be construed as authorizing discussions of rates, fares, charges or inflight and other services in connection with air transportation;

(c) The carriers shall file with the Board a report of each discussion meeting held including, inter alia, the date, place, attendance, and a summary of all discussions. Such report shall be filed in triplicate with the Board within 3 business days of the close of each discussion meeting; and

(d) Any agreement reached as a result of the discussions authorized herein shall be filed with the Board for approval under section 412 of the Act within 5 days of consummation thereof; and

(e) The relief granted herein shall expire within 30 days of the effective date of this order; and

2. To the extent not granted herein all outstanding requests for relief be and they hereby are denied.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL]

HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-9847; Filed, July 29, 1970;
8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP71-21]

WESTCOAST TRANSMISSION CO., LTD.

Notice of Application

JULY 28, 1970.

Take notice that on July 27, 1970, Westcoast Transmission Co., Ltd. (applicant), 1333 West Georgia Street, Vancouver 5, British Columbia, Canada, filed in Docket No. CP71-21, an application pursuant to section 3 of the Natural Gas Act for an order of the Commission authorizing the exportation of liquid natural gas (LNG) from the United States into Canada, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to export by cryogenic trailer-truck approximately 12,000 gallons (U.S.) of LNG from Portland, Oreg., to 100 Mile House, British Columbia, Canada, and Williams Lake, British Columbia, Canada, 6,000 gallons on August 7, 1970, and August 14, 1970, respectively. Applicant proposes to purchase said volume of LNG from Northwest Natural Gas Co. of Portland, Oreg. The gas will be used by applicant to provide continuous natural gas service to its customer, Inland Natural Gas Co., Ltd., during the effecting of needed repairs on its 30" main pipeline in the vicinity of the aforementioned villages.

In this instance it appears that a shorter notice period is reasonable and consistent with the public interest and good cause exists therefor.

Any person desiring to be heard or to make protest with reference to the said application, should, on or before August 5, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rule of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make any protestant a party to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-9896; Filed, July 29, 1970;
8:51 a.m.]

FEDERAL RESERVE SYSTEM

BANK SECURITIES, INC. (NSL)

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Bank Securities, Inc. (NSL), which is a bank holding company located in Alamogordo, N. Mex., for prior approval by the Board of Governors of the acquisition by applicant of 51 percent or more of the voting shares of American Bank of Commerce, Albuquerque, N. Mex.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views

regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Dallas.

By order of the Board of Governors, July 23, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-9803; Filed, July 29, 1970; 8:46 a.m.]

COLORADO CNB BANKSHARES, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a) (3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a) (3)), by Colorado CNB Bankshares, Inc., which is a bank holding company located in Denver, Colo., for prior approval by the Board of Governors of the acquisition by applicant of at least 80 percent of the voting shares of Arapahoe Colorado National Bank, Arapahoe County, Colo., a proposed new bank.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Kansas City.

By order of the Board of Governors, July 23, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-9804; Filed, July 29, 1970; 8:46 a.m.]

FIRST NATIONAL STATE BANCORPORATION

Notice of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that application has been made, pursuant to section 3(a) (1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a) (1)), by First National State Bancorporation, Newark, N.J., which presently owns 100 percent of the voting shares (less directors' qualifying shares) of First National State Bank of New Jersey, Newark, N.J., for prior approval by the Board of Governors of action whereby Applicant would become a bank holding company through the acquisition of 80 percent or more of the voting shares of the following banks, or of their successors by merger: The Warren County National Bank, Washington; City National Bank, Hackensack; The Edison Bank, South Plainfield; and First National Bank of Spring Lake, all in New Jersey.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of New York.

By order of the Board of Governors, July 23, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-9805; Filed, July 29, 1970; 8:47 a.m.]

SOUTHWEST BANCSHARES, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a) (1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a) (1)), by Southwest Bancshares, Inc., Houston, Tex., which presently owns 100 percent (less directors' qualifying shares) of the voting shares of Southwest Bank, National Association, Houston, into which will be merged Bank of the Southwest National Association, Houston, for prior approval by the Board of Governors of action whereby applicant would become a bank holding company, as part of the merger agreement involving Bank of the Southwest National Association, Houston, through the acquisition of the beneficial interest in all of the voting shares of Houston Southwest Corp., Houston, which owns more than 5 percent of the voting shares of the following seven Texas banks:

Bank	Percentage of voting shares owned
South Park National Bank of Houston	33.52
Commercial State Bank (Houston)	20.27
Gulf Coast National Bank (Houston)	19.10
Western National Bank of Houston	16.93
Long Point National Bank of Houston	14.66
The First National Bank of Longview	22.14
The Kilgore National Bank (Kilgore)	24.72

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Dallas.

By order of the Board of Governors,
July 23, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-9806; Filed, July 29, 1970;
8:47 a.m.]

OFFICE OF EMERGENCY PREPAREDNESS

MINNESOTA

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); and by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g); notice is hereby given that on July 22, 1970, the President declared a major disaster as follows:

I have determined that the damages in those areas of the State of Minnesota, adversely affected by heavy rains and flooding beginning on or about May 15, 1970, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 81-875. I therefore declare that such a major disaster exists in the State of Minnesota. Areas eligible for Federal assistance will be determined by the Director of the Office of Emergency Preparedness.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11495, November 18, 1969 (34 F.R. 18447, Nov. 20, 1969) to administer the Disaster Relief Act of 1969 (Public Law 91-79, 83 Stat. 125), I hereby appoint Mr. Kenneth W. Gardiner, Regional Director, OEP Region 4, to act as the Federal Coordinating Officer to perform the duties specified by section 9 of that act for this disaster.

I do hereby determine the following areas in the State of Minnesota to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 22, 1970:

The counties of:	
Beltrami.	Pennington.
Kittson.	Polk.
Koochiching.	Red Lake.
Lake of the Woods.	Roseau.
Marshall.	St. Louis.
Norman.	

Dated: July 24, 1970.

G. A. LINCOLN,
Director,

Office of Emergency Preparedness.

[F.R. Doc. 70-9815; Filed, July 29, 1970;
8:47 a.m.]

NEW YORK

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); and by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g); notice is hereby given that on July 22, 1970, the President declared a major disaster as follows:

I have determined that the damages in those areas of the State of New York, adversely affected by heavy rains and flooding beginning on or about July 3, 1970, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 81-875. I therefore declare that such a major disaster exists in the State of New York. Areas eligible for Federal assistance will be determined by the Director of the Office of Emergency Preparedness.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11495, November 18, 1969 (34 F.R. 18447, Nov. 20, 1969) to administer the Disaster Relief Act of 1969 (Public Law 91-79, 83 Stat. 125), I hereby appoint Mr. Albert D. O'Connor, Regional Director, OEP Region 1, to act as the Federal Coordinating Officer to perform the duties specified by section 9 of that act for this disaster.

I do hereby determine the following areas in the State of New York to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 22, 1970:

The counties of:	
Broome.	Schuyler.
Delaware.	Tompkins.

Dated: July 24, 1970.

G. A. LINCOLN,
Director,

Office of Emergency Preparedness.

[F.R. Doc. 70-9816; Filed, July 29, 1970;
8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JULY 24, 1970.

It appearing to the Securities and Exchange Commission that the summary

suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 25, 1970 through August 3, 1970, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 70-9818; Filed, July 29, 1970;
8:48 a.m.]

[812-2755]

STEADMAN AMERICAN INDUSTRY FUND, INC., ET AL.

Notice of Application for an Order Exempting Proposed Transactions

JULY 23, 1970.

Notice is hereby given that an application has been filed by Steadman American, Inc. (American), Steadman Science & Growth Fund, Inc. (Science), and Consumers Investment Fund, Inc. (Consumers), (the Funds), 1730 K Street NW., Washington, D.C. 20036, which are open-end diversified investment companies registered under the Investment Company Act of 1940, as amended (the Act), requesting, pursuant to section 17(b) of the Act, an exemption from section 17(a) of the Act to permit consummation of proposed transactions pursuant to which Science and Consumers will transfer substantially all of their assets to American for shares of American common stock. Steadman Security Corp. (SSC), or one of its subsidiaries is the investment adviser and principal underwriter of each of the Funds. The boards of directors of American and Science are identical, and the board of directors of Consumers is composed of five members, all of whom are also directors of Science and American. Accordingly, the Funds may be deemed to be under common control and each Fund an affiliated person of each of the other two Funds under the Act. The proposed transaction may be deemed to involve the purchase and sale of securities between registered investment companies and affiliated persons of such companies. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below. The proposed transactions are also described in proxy statements dated May 4, 1970 mailed by American, Science, and Consumers to their stockholders.

Each of the Funds is incorporated under the laws of Delaware. All shares (including fractional shares) of each have full and equal voting rights. There is no right to cumulate votes. American had a net asset value of \$11,808,763 and had

1,231,174 shares of common stock outstanding as of March 31, 1970. At the same date, Science had a net asset value of \$42,118,271 and had 10,570,811 shares of common stock outstanding, while Consumers had a net asset value of \$10,178,252 and had 2,567,690 shares of common stock outstanding.

Section 17(a) of the Act, as here pertinent, provides that it is unlawful for any affiliated person of a registered investment company, or an affiliated person of such an affiliated person, to sell any security or other property to such registered company (except securities of which the buyer is the issuer) or to purchase from such registered company any security or other property (except securities of which the seller is the issuer).

Section 17(b) provides, however, that a proposed transaction may be exempted from the provisions of section 17(a) upon application if the evidence establishes that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of each registered investment company concerned, and with the general purposes of the Act.

	American	Consumers	Science	Total
Accounting.....	\$1,382	\$1,191	\$4,927	\$7,500
Legal fees and expenses.....	5,250	4,626	18,724	28,600
Printing and mailing of proxy statements.....	4,163	5,249	20,802	30,214
Administrative services in connection with issuance of shares.....	0	7,000	40,790	47,790
Total.....	10,795	17,966	85,243	114,004

SSC has undertaken, as indicated below, to bear certain of these expenses in an amount not to exceed \$7,500. The balance of such expenses will be borne by one or more of the Funds. Any expense item not identifiable as the expense of a particular Fund will be allocated among the Funds on the basis of their respective net asset values as of March 31, 1970. In the event that all the estimated expenses do not materialize, the remainder of the amounts reserved by Science and Consumers to cover such expenses will be distributed to the respective shareholders of those two Funds as of the closing date of the proposed transactions.

Included in the total expenses of \$114,000 are expenses of approximately \$47,800 for administrative services in connection with the issuance of shares, which will be paid by the Funds to SSC. SSC has informed the Funds that it will make no profit on such service fees.

SSC has, as stated above, undertaken to pay up to \$7,500 of the expenses of the proposed transactions, reflecting the amount by which the expenses of proxy solicitations by the Funds in connection with the proposed transactions exceed the expenses normally associated with their regular annual meetings. Such incremental expenses of the proxy solicitations are estimated at \$7,000.

Science and Consumers have each entered into an Agreement and Plan of Reorganization with American (the Agreements). The shareholders of each of the Funds approved the Agreements, which provide that substantially all of the net assets of Consumers and Science will be transferred to American in exchange for the shares of American common stock. Science and Consumers will, thereafter, be dissolved and the American shares will be distributed to their stockholders. The number of shares of American common stock to be transferred to Consumers and Science will be computed by dividing the net asset value of Consumers and Science by the net asset value of American, with adjustments, in accordance with a formula set forth in the application, to apportion the tax burden for realized and unrealized capital gains among the Funds.

American will assume no liabilities of either Consumers or Science existing on the closing date except for certain anticipated expenses of Science in connection with the defense of pending lawsuits which are described in the Science proxy statement dated May 4, 1970.

The aggregate expenses of the Funds in connection with the proposed transactions are estimated at approximately \$114,000, as follows:

Benefits will accrue to the Funds and to SSC from the proposed transactions. Certain expenses of each of the three Funds are readily identifiable as duplicating items which will be eliminated following the combination of the three Funds into one. The aggregate savings to the three Funds together from the proposed transactions are estimated at \$19,000 annually. The estimated savings to SSC from the combination of the three Funds are estimated at approximately \$3,000 annually, reflecting elimination of Blue Sky fees and the typesetting of three prospectuses rather than one.

In addition to the payment by SSC of up to \$7,500 of the expenses of the proposed transactions, as discussed above, personnel of SSC have rendered services in connection with the proposed transactions. While no monetary value has been placed on such services, the application states that such services have been substantial.

Each of the Funds has had, as its principal investment objective, long-term capital growth through investment in common stocks or other equity securities. On June 3, 1970 the shareholders of Science and Consumers voted to adopt investment policies identical to those of American.

Notice is further given that any interested person may, not later than

August 12, 1970, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission orders a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon each of the Funds at the address stated above. Proof of such service by affidavit (or in case of any attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in the matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 70-9817; Filed, July 29, 1970; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

COMMERCIAL CAPITAL CORP.

Notice of Surrender of License of Small Business Investment Company

Notice is hereby given that Commercial Capital Corp. (Commercial), 408 Lathrop Building, 1005 Grand Avenue, Kansas City, Mo. 64106, has pursuant to § 107.105 of the regulations governing small business investment companies (33 F.R. 326, 13 CFR Part 107), surrendered its license to operate as a small business investment company.

Commercial was incorporated February 3, 1961, under the laws of the State of Missouri, and issued License No. 09-0008 by the Small Business Administration on April 6, 1961.

Commercial was licensed to operate solely under the Small Business Investment Act of 1958, as amended (15 U.S.C., 661 et seq.).

Under the authority vested by the Small Business Investment Act of 1958, as amended, and the regulations promulgated thereunder, the surrender of

the license of Commercial is hereby accepted, and, accordingly, it is no longer licensed to operate as a small business investment company.

A. H. SINGER,
Associate Administrator
for Investment.

JULY 16, 1970.

[F.R. Doc. 70-9819; Filed, July 29, 1970;
8:48 a.m.]

EQUAL OPPORTUNITY FINANCE, INC.

Notice of Application for a License as a Minority Enterprise Small Business Investment Company

An application for a license to operate as a minority enterprise small business investment company (MESBIC) under the provisions of the Small Business Investment Act of 1958, as amended (Act) (15 U.S.C. 661 et seq.), has been filed by Equal Opportunity Finance, Inc. (Equal Opportunity), with the Small Business Administration pursuant to § 107.102 of SBA Regulations governing small business investment companies (33 F.R. 326, 13 CFR Part 107).

Equal Opportunity is to commence operations with a capitalization of \$150,000. As a MESBIC, it is to be licensed solely for the purpose of providing assistance which will contribute to a well-balanced national economy by facilitating the acquisition or maintenance of ownership of small business concerns by individuals whose participation in the free enterprise system is hampered because of social or economic disadvantages. The proposed MESBIC is to be located at 1202 South Third Street, Louisville, Ky. 40201, and is to conduct its operations principally in the Commonwealth of Kentucky and the States of Indiana, Ohio, and West Virginia.

All of the company's stock will be owned by Ashland Oil, Inc., 1409 Winchester Avenue, Ashland, Ky. 41101, a publicly owned company engaged in oil production, refining, transportation, and the marketing of refined petroleum products. Equal Opportunity's officers and directors are as follows:

Clyde M. Webb, 1412 Bath Avenue, Ashland, Ky. 41101. President and Director.

William J. Hull, 4201 Cathedral Avenue NW., Washington, D.C. 20016. Secretary and Director.

Harry D. Williams, 1115 Wimbledon Drive, McLean, Va. 22101. Vice President, Assistant Secretary, and Director.

Robert K. Warren, 604 Adolphus Street, Ashland, Ky. 41101. Treasurer.

J. B. Schlicht, 4805 Crittenden Drive, Ashland, Ky. 41101. Assistant Treasurer.

Albert G. Mayer, 615 South Fifth Street, Ironton, Ohio 45638. Assistant Treasurer.

Matters involved in SBA's consideration of the application include the general business reputation and character of the owners and management and the probability of successful operation of the company under their management, including adequate profitability and financial soundness, in accordance with the Act and SBA regulations.

Any interested person may, not later than 10 days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed MESBIC. Any communication should be addressed to: Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Louisville, Ky.

A. H. SINGER,
Associate Administrator
for Investment.

July 20, 1970.

[F.R. Doc. 70-9820; Filed, July 29, 1970;
8:48 a.m.]

N.Y. URLE MESBIC, INC.

Notice of Application for License as Minority Enterprise Small Business Investment Company

Notice is hereby given concerning the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations Governing Small Business Investment Companies (33 F.R. 326, 13 CFR Part 107) under the name of N.Y. URLE MESBIC, INC., 317 West 125th Street, New York, N.Y. 10027, for license to operate in the States of New York and New Jersey as a minority enterprise small business investment company (MESBIC) under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.) (Act), License No. 02/02-5282.

The proposed officers and directors are as follows:

Name, address and position

William G. Manley, 317 West 125th Street, New York, N.Y. 10027. President and Director.

Maurice V. Amoye, 317 West 125th Street, New York, N.Y. 10027. Treasurer and Director.

Josephine Standish, 317 West 125th Street, New York, N.Y. 10027. Secretary and Director.

Robert H. Moore, 317 West 125th Street, New York, N.Y. 10027. Vice President and Director.

Basil L. Cleare, 317 West 125th Street, New York, N.Y. 10027. Vice President and Director.

Thackery K. Bullock, 317 West 125th Street, New York, N.Y. 10027. Manager.

None of the above will be salaried, nor will any one of them own, directly or indirectly, any capital stock or other securities of the applicant. The company, which will be a wholly owned subsidiary of the New York Urban League, 317 West 125th Street, New York, N.Y. 10027, proposes to commence operations with a capitalization of \$150,000. As a MESBIC, the company proposes to be licensed solely for the purpose of providing assistance which will contribute to a well-balanced national economy by facilitating the acquisition or maintenance of ownership of small business concerns by individuals whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the application include the general business reputation and character of the management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any interested person may, within ten days from the date of publication of this notice, submit to SBA in writing, relevant comments on the proposed company. Any communication should be addressed to: Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416. A copy of this notice shall be published in a newspaper of general circulation in New York, N.Y.

A. H. SINGER,
Associate Administrator
for Investment.

JULY 16, 1970.

[F.R. Doc. 70-9822; Filed, July 29, 1970;
8:48 a.m.]

NASSAU CAPITAL CORP.

Notice of Application for a License as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), has been filed by Nassau Capital Corp. with the Small Business Administration pursuant to § 107.102 of SBA Regulations governing small business investment companies (33 F.R. 326, 13 CFR Part 107).

The proposed licensee is to commence operations with a capitalization of \$308,000 and is to provide equity capital, long-term loan funds, and management consulting services to qualified small business concerns in diversified fields. The company is to be located at 1 Palmer Square, Princeton, N.J. 08540.

No individual or legal entity will own 10 percent or more of the company's stock. The officers and directors are as follows:

Jerome L. Reisberg, 10 Garfield Avenue, West Orange, N.J., President and Director.

Abraham H. Carchman, 32 South Munn Avenue, East Orange, N.J., Secretary and Director.

Philip S. Carchman, 301 Western Way, Princeton, N.J., General Manager.

Matters involved in SBA's consideration of the application include the general business reputation and character of the management and the probability of successful operation of the company under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and SBA Regulations.

Any interested person may, not later than 10 days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed licensee. Any communication should be

addressed to: Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Princeton and Newark, N.J.

A. H. SINGER,
Associate Administrator
for Investment.

JULY 17, 1970.

[F.R. Doc. 70-9821; Filed, July 29, 1970;
8:48 a.m.]

PACIFIC SMALL BUSINESS INVESTMENT CO.

Notice of Filing of Application for Transfer of Control of a Licensed Small Business Investment Com- pany

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the Regulations Governing Small Business Investment Companies (13 CFR Part 107, 33 F.R. 326) for transfer of control of Pacific Small Business Investment Co., 1600 Norton Building, Seattle, Wash. 98104, a Federal licensee under the Small Business Investment Act of 1958, as amended (the Act), License No. 12/13-0007.

Pacific Small Business Investment Co. was licensed on February 14, 1961, and has present capital and surplus of \$501,992. There are 44,285 shares issued and outstanding, all held by VWR United Corp.

ORBANCO, Inc., 310 Northeast Oregon Street, Portland, Ore. 97232, has offered to purchase all of the outstanding shares of the licensee. ORBANCO, Inc., is a publicly held company with assets in excess of \$14 million, engaged in providing financial and business services, through its subsidiaries, The Oregon Bank, Northwest Acceptance Corp., and American Data Services, Inc.

Pacific Small Business Investment Co. will become a subsidiary of ORBANCO, Inc., and operate under its present name. The principal office of the Licensee will be changed to 310 Northeast Oregon Street, Portland, Ore. 97232. The proposed officers and directors are Robert E. Young, president and director, Donald L. Tisdell, treasurer and director, Charles W. Hall, secretary, and Frederick H. Torp, director.

The purchase offer is subject to and contingent upon the approval of SBA. Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed new owner and the probability of successful operation of the company under its control and management (including adequate profitability and financial soundness) in accordance with the Act and regulations.

Notice is further given that any interested party may, no later than ten (10) days from the date of this publication, submit in writing, relevant comments on

the proposed transfer of control. Any such communication should be addressed to: Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington D.C. 20416.

A. H. SINGER,
Associate Administrator
for Investment.

JULY 16, 1970.

[F.R. Doc. 70-9823; Filed, July 29, 1970;
8:48 a.m.]

SMALL BUSINESS INVESTMENT CORPORATION OF GEORGIA

Approval of Application for Transfer of Control of a Licensed Small Busi- ness Investment Company

On July 2, 1970, a notice of application for transfer of control was published in the FEDERAL REGISTER (35 F.R. 10811) stating that an application had been filed with the Small Business Administration pursuant to § 107.701 of the Regulations governing small business investment companies (SBICs) (33 F.R. 326, 13 CFR Part 107) for transfer of control of Small Business Investment Corporation of Georgia (SBIC of Georgia), License No. 05/05-0016, 22 Marietta Street NW., Atlanta, Ga. 30303, a Federal licensee under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.). The proposed transfer of control over SBIC of Georgia is intermediate to either a merger with another SBIC, or liquidation.

Interested persons were given until the close of business July 13, 1970, to submit to SBA their written comments. Written objections were received from certain minority stockholders.

SBA having considered the application, the foregoing objections thereto, and all other pertinent information and facts, hereby approves the application for transfer of control of SBIC of Georgia, subject to the condition that it either merge with another SBIC, or liquidate within 6 months of the date of this approval.

July 17, 1970.

A. H. SINGER,
Associate Administrator
for Investment.

[F.R. Doc. 70-9824; Filed, July 29, 1970;
8:48 a.m.]

URBAN FUND, INC.

Notice of Application for License as Minority Enterprise Small Business Investment Company

Notice is hereby given concerning the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations Governing Small Business Investment Companies (33 F.R. 326, 13 CFR Part 107) under the name of the Urban Fund, Inc., 1525 East 53d Street, Chicago, Ill. 60615, for a license to operate in the State of Illinois as a minority enterprise small

business investment company (MESBIC) under the provisions of the Small Business Investment Act of 1958 (15 U.S.C. 661 et seq.) (Act), License No. 07/07-5080.

The proposed officers and directors are as follows:

Milton Davis, 1525 East 53d Street, Chicago, Ill. 60615, Chairman of the Board and Director.

John S. Wineman, Jr., 513 Central Avenue, Highland Park, Ill. 60035, President, Treasurer, and Director.

Ronald Grzywinski, 1525 East 53d Street, Chicago, Ill. 60615, Vice President and Director.

James Fletcher, 1525 East 53d Street, Chicago, Ill. 60615, Vice President, Assistant Secretary, and Director.

Mary Houghton, 1525 East 53d Street, Chicago, Ill. 60615, Secretary.

Robert McKersie, 5554 South Kenwood Avenue, Chicago, Ill. 60637, Director.

John G. Friend, 300 North State Street, Chicago, Ill. 60610, Director.

Harrison I. Steans, 801 Skokie Boulevard, North Brook, Ill. 60062, Director.

Of the above only Mr. John S. Wineman, Jr., will be salaried, and none of them will own, directly, any capital stock or other securities of the Applicant.

The First National Bank of Highland Park, 513 Central Avenue, Highland Park, Ill. 60035, and the Hyde Park Bank & Trust Co., 1525 East 53d Street, Chicago, Ill. 60635, will each own 40 percent of the company's capital stock and the Marina City Bank, 300 North State Street, Chicago, Ill. 60610, the balance. The company proposes to commence operations with a capitalization of \$325,000. As a MESBIC, the company proposes to be licensed solely for the purpose of providing assistance which will contribute to a well-balanced national economy by facilitating the acquisition or maintenance of ownership of small business concerns by individuals whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the application include the general business reputation and character of the management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and regulations.

Notice is further given that any interested person may not later than 10 days from the date of publication of this notice, submit to SBA in writing, relevant comments on the proposed company. Any communication should be addressed to: Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416. A copy of this notice shall be published in a newspaper of general circulation in Chicago, Ill.

A. H. SINGER,
Associate Administrator
for Investment.

JULY 16, 1970.

[F.R. Doc. 70-9825; Filed, July 29, 1970;
8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 70]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FOR- WARDER APPLICATIONS

JULY 24, 1970.

The following applications are governed by Special Rule 247¹ of the Commission's general rules of practice (49 C.F.R. 1100-247, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 247(d) (3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protests shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d) (4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning

Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 730 (Sub-No. 322), filed July 13, 1970. Applicant: PACIFIC IN-TERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. 94604. Applicant's representative: Earl J. Brooks (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of J. R. Simplot Co., approximately 15 miles northwest of the Mountain Home in Elmore County, Idaho, as an off-route point in connection with carrier's authorized regular-route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho, or San Francisco, Calif.

No. MC 8989 (Sub-No. 213), filed June 24, 1970. Applicant: HOWARD SOBER, INC., 2400 West St. Joseph Street, Lansing, Mich. 48904. Applicant's representative: Albert F. Beasley, 311 Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in secondary movements, in truckaway service, from Sharon, Vt., to points in Maine, restricted to the handling of vehicles manufactured at plants of General Motors Corp., and having an immediately prior movement by rail. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 20841 (Sub-No. 8) (Amendment), filed June 18, 1970, published FEDERAL REGISTER issue July 9, 1970, amended July 13, 1970, and republished as amended this issue. Applicant: MARATHON FREIGHT LINES, INC., 2400 83d Street, North Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are used by, or sold in grocery or department stores (except commodities in bulk), from the plantsite of Summit Warehouse Corp., at Edgewater, N.J., to points in Connecticut, Orange, and Rockland Counties, N.Y. NOTE: Applicant states that the purpose of this application is to serve Summit

Warehouse Corp., at Edgewater, N.J., which can be tacked with carrier's present authority at North Bergen, N.J. The purpose of this republication is to amend the application by reflecting Summit Warehouse Corp., at Edgewater, N.J. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 30844 (Sub-No. 328), filed July 13, 1970. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Hartford, Bailey, and Grawn, Mich., to points in Illinois, Missouri, Iowa, Nebraska, Minnesota, Wisconsin, and the Upper Peninsula of Michigan. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 30887 (Sub-No. 167), filed July 7, 1970. Applicant: SHIPLEY TRANSFER, INC., 49 Main Street, Post Office Box 55, Reisterstown, Md. 21136. Applicant's representative: W. Wilson Corroum (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and anhydrite*, in bulk, from Baltimore, Md., to York, Pa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 35045 (Sub-No. 6), filed June 8, 1970. Applicant: HORNE HEAVY HAULING, INC., 1124 De Kalb Avenue NE., Atlanta, Ga. 30307. Applicant's representative: Monty Schumacher, Suite 310, 2045 Peachtree Road NE., Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Conduit, pipe, and tubing and fittings and shapes, forms, strips, rods, wire, and fencing* (except for oilfield and pipeline commodities as defined by the Commission in *Mercer Extension—Oilfield commodities*, 74 M.C.C. 459); (1) from the warehouses and storage facilities of the Allied Tube & Conduit Corp., and the Allied Rolled Form Products Corp. in Atlanta, Ga., and its commercial zone, to points in Georgia, Alabama, Louisiana, Texas, Mississippi, Florida, Tennessee, Kentucky, North Carolina, and South Carolina; and (2) from Houston, Tex., to Atlanta, Ga., under a continuing contract, or contracts with the Allied Tube & Conduit Corp., and its affiliate the Allied Rolled Form Products Corp. of Harvey, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., Washington, D.C., or Chicago, Ill.

No. MC 40915 (Sub-No. 22), filed July 16, 1970. Applicant: BOAT TRANSIT, INC., Post Office Box 1403, Newport Beach, Calif. Applicant's representative:

¹ Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carpets and rugs*, from Columbus, Ga., to points in Texas and California; and (2) *returned shipment* of above-named commodities, on return; restricted to traffic originating or terminating at plantsite or warehouse facilities of Columbus Mills, Inc., at or near Columbus, Ga. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Los Angeles, Calif.

No. MC 42261 (Sub-No. 106), filed July 15, 1970. Applicant: LANGER TRANSPORT CORP., Route 1 and Danforth Avenue, Jersey City, N.J. 07303. Applicant's representative: W. C. Mitchell, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container ends, and accessories, material, equipment, and supplies* used in the sale, manufacture, and distribution of containers and container ends, between points in Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Missouri, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 44128 (Sub-No. 36), filed June 26, 1970. Applicant: EPES TRANSPORT SYSTEM, INCORPORATED, 830 South Main Street, Blackstone, Va. 23834. Applicant's representative: James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plantsite of J. L. Clark Manufacturing Co. at or near Havre de Grace, Md., as an intermediate or off-route point in connection with applicant's existing regular route authority between Philadelphia, Pa., and Richmond, Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 59488 (Sub-No. 34) (Correction), filed June 15, 1970, published in the FEDERAL REGISTER issue of July 23, 1970, republished as corrected this issue. Applicant: SOUTHWESTERN TRANSPORTATION COMPANY (SWT), 7600 South Central Expressway, Dallas, Tex. 75216. Applicant's representative: Lloyd M. Roach, 1517 West Front Street, Tyler, Tex. 75701. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of un-

usual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between Dallas, Tex., and Shreveport, La., from Dallas, Tex., over Interstate Highway 20 and return serving the intermediate points of Longview and Marshall, Tex., and the off-route points of Kilgore, Tex., over Texas Highway 31 via Tyler, Tex., and U.S. Highway 259 as an access highway to Interstate Highway 20. NOTE: The purpose of this republication is to include "commodities in bulk" to the exceptions. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Little Rock, Ark.

No. MC 73165 (Sub-No. 283), filed July 6, 1970. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Post Office Box 1348, Birmingham, Ala. 35201. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between points in Smith County, Tex., on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Oregon, Nevada, New Mexico, Utah, and Washington. NOTE: Applicant states that it has no present intentions of tacking. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 74321 (Sub-No. 41), filed July 13, 1970. Applicant: B. F. WALKER, INC., 650 17th Street, Denver, Colo. 80202. Applicant's representative: Richard P. Kissinger, Post Office Box 1148, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe*, other than oilfield pipe, from points in Larimer County, Colo., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, although tacking possibilities exist with applicant's sub Nos. 17, 22, 27, and 32 authorities. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 76120 (Sub-No. 2), filed July 7, 1970. Applicant: ST. MARYS TRANSFER COMPANY, a corporation, State Street, St. Marys, Pa. 15857. Applicant's representative: John M. Musselman, 400 North Third Street, Post Office Box 1146, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass tubing for electrical lamps, and materials and supplies* used in the production and distribution thereof, between Horseheads, N.Y., and St. Marys, Pa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 82079 (Sub-No. 20), filed July 9, 1970. Applicant: KELLER TRANSFER LINE, INC., 1239 Randolph Avenue SW., Grand Rapids, Mich. 49507. Applicant's representative: J. M. Neath, Jr., 900 One

Vandenberg Center, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsites and warehouses of Michigan Lloyd J. Harliss Pie Co. at Saugatuck, Shelby, Hart, and Holland, Mich., to points in Ohio and Indiana, and *damaged, returned or rejected shipments* on return. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich., or Chicago, Ill.

No. MC 93980 (Sub-No. 52), filed July 14, 1970. Applicant: VANCE TRUCKING COMPANY, INC., Raleigh Road, Post Office Box 1119, Henderson, N.C. 27536. Applicant's representative: Edward G. Villalon, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boards and sheets*, flat, made from wood chips, wood shavings, sawdust, or ground wood compressed with added resin binder, from the plantsite of U.S. Plywood-Champion Paper, Inc., near South Boston, Va., to points in Virginia, West Virginia, District of Columbia, Maryland, Delaware, New Jersey, New York, Pennsylvania, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, and Maine. NOTE: Applicant holds contract carrier authority under Docket No. MC 116962, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Cincinnati, Ohio.

No. MC 94901 (Sub-No. 4), filed July 9, 1970. Applicant: EDDY MOVING & STORAGE CO., INC., 150 Pearl Street, Port Chester, N.Y. 10573. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter, machine parts, computer tapes, cards, documents, records and equipment, materials, and supplies* requiring messenger delivery service, in parcels not exceeding 50 pounds each and in shipments not exceeding 1,000 pounds each, between points in Westchester, Dutchess, Ulster, Rockland, and Orange Counties and New York, N.Y., on the one hand, and, on the other, points in Bergen County, N.J., and Fairfield County, Conn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 103051 (Sub-No. 237), filed July 13, 1970. Applicant: FLEET TRANSPORT COMPANY, INC., 1000 44th Avenue North, Post Office Box 7645, Nashville, Tenn. 37209. Applicant's representative: R. J. Reynolds, Jr., 604-09 Healey Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Nashville, Tenn., to points in North Carolina and South Carolina. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 103926 (Sub-No. 24), filed July 10, 1970. Applicant: W. T. MAYFIELD SONS TRUCKING CO. (a corporation), Post Office Box 43171, Industrial Branch, Atlanta, Ga. 30336. Applicant's representative: R. J. Reynolds, Jr., 604-09 Healey Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-stressed and precast concrete and pre-stressed and precast concrete products*, from points in Fayette County, Ga., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, and Virginia. NOTE: Applicant states that the requested authority could be tacked with present authority at any point in Clayton, Cobb, De Kalb, Fulton, and Gwinnett Counties, Ga. Then, applicant could transport the considered commodities from points in Fayette County, Ga., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, and Virginia. However, if the instant application is granted applicant would have no need for such tacking since under the authority herein applied for it could transport the considered commodities directly from points in Fayette County, Ga., to points in the same destination States. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Winston-Salem, N.C.

No. MC 103993 (Sub-No. 545), filed July 13, 1970. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghe-sani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Campers*, from Covington, Ohio; Jamestown, Ky.; and Perry, Ga.; to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 103993 (Sub-No. 546), filed July 13, 1970. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghe-sani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* (except mobile homes and travel trailers) and *undercarriages*, from points in Oregon, to points in the United States, including Alaska, and excluding Hawaii. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 103993 (Sub-No. 547), filed July 13, 1970. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghe-sani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles in initial movements, from points in Hillsboro County, N.H., to points in the United States east of the Mississippi River, including Louisiana and Minnesota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Manchester, N.H.

No. MC 103993 (Sub-No. 548), filed July 13, 1970. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghe-sani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles in initial movements, and *buildings*, in sections, mounted on undercarriages, from points in McNairy County, Tenn., to points in the United States, except Alaska and Hawaii. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 105045 (Sub-No. 25), filed July 14, 1970. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania Street, Post Office Box 724, Evansville, Ind. 47708. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum articles*, from the plantsite and storage facilities of Harvey Aluminum, Inc., in Hancock County, Ky., to points in Minnesota. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 105566 (Sub-No. 19), filed June 29, 1970. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1119, Cape Girardeau, Mo. 63701. Applicant's representative: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, Va. 22202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, except commodities in bulk, in tank vehicles, from Washington, Evansville, and Indianapolis, Ind., and Louisville, Ky., to

points in Wisconsin, Pennsylvania, New York, Vermont, New Hampshire, Maine, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, Virginia, District of Columbia, West Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Florida. NOTE: Applicant states it holds no authority to which the proposed authority could be tacked. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 106603 (Sub-No. 112), filed June 30, 1970. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, Mich. 49508. Applicant's representative: Clyde E. Herring, 815 17th Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank hopper or dump vehicle, from the plant of Wyandotte Chemicals Corp., Wyandotte, Mich., to points in Florida, Georgia, Louisiana, and Michigan and *damaged and rejected shipments* on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant has contract carrier authority under MC 46240 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 106644 (Sub-No. 108), filed July 10, 1970. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Post Office Box 916, Atlanta, Ga. 30301. Applicant's representative: K. Edward Wolcott, Post Office Box 916, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which because of their size or weight, requires the use of special equipment, and *related machinery parts and related contractor's materials and supplies* when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special equipment; (2) *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith (restriction to commodities which are transported on trailers); and (3) *construction, agricultural, maintenance, and industrial machinery, equipment, materials, and supplies and parts, attachments and accessories; explosives; aircraft and aerospace equipment, materials, parts, accessories, and supplies*, between points in Alabama, Florida, Georgia, North Carolina, Mississippi, South Carolina, and points in Tennessee on and East of U.S. Highway 231, on the one hand, and, on the other, points in Oregon, Utah, and Washington. NOTE: Applicant states that tacking on size and weight commodities is possible to and from various points in the eastern United States. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Atlanta, Ga.

No. MC 107107 (Sub-No. 408), filed July 6, 1970. Applicant: ALTERMAN

TRANSPORT LINES, INC., 2424 North-west 46th Street, Miami, Fla. 33142. Applicant's representative: Ford W. Sewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities of Geo. A. Hormel & Co., located at or near Tucker, Ga., to points in Florida, North Carolina, and South Carolina, restricted to traffic originating at the named plantsite and warehouse facilities of Geo. A. Hormel & Co., Tucker, Ga., and destined to points in the named States. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 107295 (Sub-No. 412), filed July 10, 1970. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plumbers goods, or bathroom or lavatory fixtures, parts, and accessories*, from Louisville, Ky., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that should possible duplications be discovered later, they will be disclosed at the hearing. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 414), filed July 10, 1970. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles; structural steel; ornamental iron; and building products*, from points in Licking County, Ohio, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 107403 (Sub-No. 797), filed July 8, 1970. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Landsdowne, Pa. 19050. Applicant's representatives: John Nelson (same address as applicant), and Harry C. Ames, Jr., 666 11th Street NW., Washington, D.C. 20423. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fluorspar*, in bulk, from Aurora, Ind., to Defiance, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is

deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107460 (Sub-No. 25), filed July 8, 1970. Applicant: WILLIAM Z. GETZ, INC., 3055 Yellow Goose Road, Lancaster, Pa. 17601. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, from the plantsite of A. H. Hoffman, located at East Hempfield Township (Lancaster County), Pa., to points in Connecticut, Delaware, District of Columbia, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia, under contract with A. H. Hoffman, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 107544 (Sub-No. 97), filed July 6, 1970. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, Post Office Box 580, Marion, Va. 24354. Applicant's representatives: Harry C. Ames, Jr., 666 11th Street NW., Washington, D.C. 20001, and Daryl J. Henry (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water treating compounds*, in bulk, in tank vehicles, from Charleston, S.C., to points in Alabama, Connecticut, Florida, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 113959, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 108207 (Sub-No. 305), filed July 13, 1970. Applicant: FROZEN FOOD EXPRESS, a corporation 318 Cadiz, Post Office Box 5838, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Fort Worth, Tex., and Clovis, N. Mex., to Henderson, Ky.; Columbia, Tenn.; and Evansville, Ind.; restricted to traffic originating at the plantsites of Swift & Co., at Fort Worth, Tex., or Clovis, N. Mex., and destined to the named destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Fort Worth, Tex.

No. MC 108869 (Sub-No. 15), filed July 8, 1970. Applicant: WEBER TRUCK AND WAREHOUSE, a corporation, 5035

Gifford Avenue, Los Angeles, Calif. 90058. Applicant's representative: Vincent W. Thorpe, 458 South Spring Street, Suite 1200, Los Angeles, Calif. 90013. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated commercial equipment, furniture, and fixtures* for use in restaurants, bars, cocktail lounges, hotels, schools, and institutions, supermarkets, drug stores, department stores, and other commercial establishments, between points in Los Angeles, Orange, Ventura, and Riverside Counties, Calif., on the one hand, and, on the other, points in Arizona, Nevada, New Mexico, Texas, Oklahoma, Utah, Colorado, Wyoming, Idaho, Washington, and Oregon, under contract with General Fixtures; Skillfab Metal Products; Doubarn, Spencer & Reynolds, Inc.; Sinicrope & Sons, Inc.; Supreme Sheet Metal; Cedarquist Co., Inc.; Weber Showcase & Fixture Co., a division of Walter Kidde & Co.; Seating Products, Inc.; and Hill Refrigeration Corp. NOTE: Applicant has common carrier authority under MC 41665 and Sub 2, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 110420 (Sub-No. 616), filed June 23, 1970. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: A. Bryant Thorsthorst (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chocolate, and confectioners coatings and compounds*, in bulk, from Lititz, Pa., to points in Wisconsin. NOTE: Applicant states that it can tack at Milwaukee and Burlington, Wis., to serve other destinations; however, tacking is not intended to serve shipper. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 112617 (Sub-No. 276), filed July 2, 1970. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 21395, Louisville, Ky. 40221. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning and washing compounds and wetting agents*, in bulk and tank vehicles, from Owensboro, Ky., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 113362 (Sub-No. 188), filed July 7, 1970. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, 310 East Broadway, Eagle Grove,

Iowa 50533. Applicant's representative: H. Ray Pope, Jr., 10 Grant Street, Clarion, Pa. 16214. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk) from the plantsites and warehouse facilities of Duff Mott Co., Inc., at or near Hartford, Bailey, and Grawn, Mich., to points in Illinois, Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is necessary applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 113514 (Sub-No. 107), filed July 10, 1970. Applicant: SMITH TRANSPORT, INC., 1200 Simons Building, Dallas, Tex. 75201. Applicant's representative: William D. White, Jr., 2505 Republic National Bank Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Catalyst*, from Lake Charles, La., to points in New Jersey and Pennsylvania. NOTE: Common control may be involved. Applicant states that it intends to tack to its entire operating authority with that sought in the instant application. If a hearing is deemed necessary, applicant requests it be held at Dallas or Fort Worth, Tex., or Washington, D.C.

No. MC 113678 (Sub-No. 391), filed July 10, 1970. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representative: Duane W. Acklie and Richard Peterson, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery goods and frozen foods*, from Deerfield, Ill., to points in Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Connecticut, Virginia, Maryland, New Hampshire, Massachusetts, Vermont, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113678 (Sub-No. 392), filed July 13, 1970. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representatives: Duane W. Acklie and Richard Peterson, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen vegetables and canned goods* in straight or mixed shipments and *agricultural commodities* (not including manufactured products thereof) as defined in section 203(b)(6) of the Interstate Commerce Act, when moving in mixed loads with commodities the transportation of which is not exempt from regulations, from points in Florida (except Lake Jem, Fla.) to points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana,

Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, South Dakota, Ohio, Oklahoma, Oregon, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 113855 (Sub-No. 225), filed July 6, 1970. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Signs, sign parts, and sign accessories*, from Clearfield, Utah, to points in Montana, New Mexico, Wyoming, Colorado, Idaho, Nevada, Washington, Oregon, California, and Arizona. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, Denver, Colo., or San Francisco, Calif.

No. MC 115180 (Sub-No. 58), filed July 9, 1970. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 408 West 14th Street, New York, N.Y. 10014. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 71 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by Sioux Beef Co., at Omaha, Nebr., to points in New York, New Hampshire, Connecticut, Vermont, Maine, New Jersey, Massachusetts, Rhode Island, Pennsylvania, West Virginia, Delaware, Maryland, Virginia, and the District of Columbia. Restricted to the transportation of traffic originating at the plantsite and storage facilities utilized by Sioux Beef Co., at or near Omaha, Nebr., and destined to the above-named destination points. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 115311 (Sub-No. 111), filed July 6, 1970. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 488, Milledgeville, Ga. 31061. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings and materials, supplies, and equipment* (except in bulk) used in the erection, construction, or equipping buildings, from points in Manatee County, Fla., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana,

Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, and Texas; and (2) *building materials, supplies, and equipment* (except in bulk) from points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, and Texas to points in Manatee County, Fla. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 115311 (Sub-No. 112), filed July 13, 1970. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 488, Milledgeville, Ga. 31061. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Wire*, from Rome, Ga., to points in Arkansas, Alabama, Louisiana, Mississippi, Oklahoma, Tennessee, Texas, Florida, Virginia, North Carolina, Georgia, and Kentucky. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 115841 (Sub-No. 384), filed July 6, 1970. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representatives: C. E. Wesley (same address as applicant), and E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from points in that part of New York on and west of U.S. Highway 11, and from North East, Pa., to points in North Carolina, South Carolina, Georgia, and Arkansas; (2) *prepared foods*, in vehicles equipped with mechanical refrigeration, from New York, N.Y.; Union City and Jersey City, N.J.; and Philadelphia, Pa.; to points in North Carolina, South Carolina, Georgia, and Arkansas; (3) *chocolate, chocolate confectionery, and ingredients thereof*, in vehicles equipped with mechanical refrigeration, from Philadelphia, Pa., to points in North Carolina, South Carolina, Georgia, and Arkansas; (4) *beef, lamb, and veal cuts*, in vehicles equipped with mechanical refrigeration, from New York, N.Y., to points in North Carolina, South Carolina, Georgia, and Arkansas; and (5) *meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from points in that part of the New York, N.Y., commercial zone, as defined in the fifth supplemental report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations

may be conducted under the exemption provided in section 203(b)(8) of the Interstate Commerce Act, to points in North Carolina, South Carolina, Georgia, and Arkansas. **NOTE:** Applicant states that the purpose of this application is to eliminate the necessity of observing the gateways under which it is presently operating at various points in Tennessee and/or Alabama, and in the case of operations in paragraph 5 supra, to eliminate the gateways of Springfield, N.J., and gateways at various points in Tennessee and/or Alabama. Applicant further states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 116063 (Sub-No. 120), filed July 6, 1970. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., 2400 Cold Springs Road, Post Office Box 270, Fort Worth, Tex. 76101. Applicant's representative: W. H. Cole (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugars, syrups, and blends thereof*, in bulk, in tank vehicles, from Kansas City, Kans.-Mo., to points in Arkansas, Iowa, Nebraska, and Oklahoma. **NOTE:** Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Fort Worth or Dallas, Tex., or Kansas City, Mo.

No. MC 116077 (Sub-No. 296) (Amendment), filed May 14, 1970, published in the FEDERAL REGISTER issue of June 4, 1970, and republished as amended this issue. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: Pat H. Robertson, Suite 401, First National Life Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *White portland cement*, from the plantsite of Ideal Cement Co. at Houston, Tex., to points in Mississippi. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is being sought. The purpose of this republication is to reflect the "plantsite of Ideal Cement Co." as part of the origin point. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or Denver, Colo.

No. MC 116101 (Sub-No. 7), filed July 13, 1970. Applicant: QUICK AIR FREIGHT, INC., Cargo Building, Port Columbus, Columbus, Ohio 43219. Applicant's representative: James R. Stivers, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle,

over irregular routes, transporting: *General commodities* (except classes A and B explosives), between the Port Columbus Airport, Columbus, Ohio; J. M. Cox Municipal Airport, near Dayton, Ohio; Cleveland Hopkins Airport near Cleveland, Ohio; Greater Cincinnati Airport in Kentucky (near Cincinnati, Ohio); on the one hand, and, on the other, O'Hare Airport and Chicago Midway Airport at or near Chicago, Ill.; Weir-Cook Field, Indianapolis, Ind.; Willow Run Airport and Detroit Metropolitan Airport, at or near Detroit, Mich.; and the Greater Pittsburgh Airport, near Pittsburgh, Pa.; restricted to freight moving on an air carrier's bill of lading and received by the same air carrier. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 116628 (Sub-No. 14), filed July 6, 1970. Applicant: SUBURBAN TRANSFER SERVICE, INC., Post Office Box 168, Rutherford, N.J. 07070. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail department stores, and materials and supplies used in the operation of such stores*, between New York, N.Y., on the one hand, and, on the other, points in North Carolina and Georgia. Said operations are limited to a transportation service to be performed under a continuing contract, or contracts with Franklin Simon, of New York, N.Y. **NOTE:** Applicant states that the purpose of this application is to eliminate the following restriction in applicant's (Sub-No. 1) authority: Said operations are restricted against the transportation of shipments, in containers, and of garments on hangers, between New York, N.Y., on the one hand, and, on the other, points in North Carolina and Georgia. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117344 (Sub-No. 205), filed July 6, 1970. Applicant: THE MAXWELL CO., a corporation, 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: James R. Stivers, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning and washing compound and wetting agents*, in bulk, in tank vehicles, from Owensboro, Ky., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 117693 (Sub-No. 3), filed July 6, 1970. Applicant: BROOKE A. KUNKLEMAN, doing business as KUNKLEMAN TRUCKING SERVICE, Post Office Box 26, Rural Delivery No. 5, Sinking Spring, Pa. 19668. Applicant's representative: Joseph E. Tolson, 3512 Ardmore Avenue, Muhlenberg Park, Reading, Pa. 19605. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick and clay products*; (1) from Muirkirk (county of Prince Georges), Md., to points in Delaware, New Jersey, New York, and Pennsylvania; and (2) from Somerset, Va., and the Washington, D.C., commercial zone to points in Delaware, New Jersey, New York, and Pennsylvania. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract authority under MC 113097, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 117814 (Sub-No. 2), filed July 8, 1970. Applicant: JAMES H. CLARK AND JAMES C. CLARK, a partnership, doing business as JAMES H. CLARK AND SON, 1872 South Second West, Salt Lake City, Utah 84115. Applicant's representative: Macoy A. McMurray, 500 Kennecott Building, 10 East South Temple, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prepared fish foods* in bulk and in mixed shipments with prepared fish foods in containers, from the plantsite of J. R. Clark Co. in Salt Lake City, Utah, to points in California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Washington, Wyoming, and Arizona (except Yavapai County), under contract with J. R. Clark Co. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 117940 (Sub-No. 25), filed July 8, 1970. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and animal and poultry feed*, from points in Wisconsin, to Shreveport, La., and points in Texas. **NOTE:** Applicant states that it does not intend to tack. It further states that it holds contract carrier authority under MC 114789 and subs, therefore, common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 118859 (Sub-No. 5), filed May 13, 1970. Applicant: BULLOCK TRUCKING COMPANY, INC., No. 6 Produce Market, Thomasville, Ga. 31792. Applicant's representative: Virgil H. Smith, 431 Title Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, (except plywood) *poles, posts, treated and untreated, wooden pallets, crates, and*

crate material, from points in Russell, Barbour, Dale, Henry, and Houston Counties, Ala., and points in Georgia on and south of U.S. Highway 78, except Valdosta and points within 75 miles thereof to points in Florida. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Thomasville or Atlanta, Ga., or Jacksonville, Fla.

No. MC 119493 (Sub-No. 60), filed July 7, 1970. Applicant: MONKEM COMPANY, INC., West 20th Street Road, Post Office Box 1196, Joplin, Mo. 64801. Applicant's representative: Ray F. Kempt, Post Office Box 1196, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods and pet food*, from Proctor and Kansas, Okla.; Siloam Springs, and Gentry, Ark.; and the plantsite of Allen Canning Co. located approximately 10 miles east of Siloam Springs, Ark., to points in Kansas, Illinois, Missouri, and California. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 121507 (Sub-No. 5), filed July 6, 1970. Applicant: PERISHABLE DELIVERIES, INC., 901 South Eutaw Street, Baltimore, Md. 21230. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, Md. 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C, of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766; (1) between Washington, D.C., on the one hand, and, on the other, points in Arlington, Clarke, Fairfax, Fauquier, Frederick, Loudoun, Prince William, and Warren Counties, Va., and Montgomery and Prince Georges Counties, Md.; and (2) between Upper Marlboro, Md., on the one hand, and, on the other, points in Charles and Calvert Counties, Md. NOTE: Applicant states it would tack at points in Montgomery and Prince Georges Counties, Md., on present regular route authority Docket MC 121507 Sub 1 which would be served through joiner. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124054 (Sub-No. 2), filed July 6, 1970. Applicant: MERLIN HERRMANN, 510 East Dodge Street, Luverne, Minn. 56156. Applicant's representative: James R. Becker, 412 West Ninth Street, Sioux Falls, S. Dak. 57104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Livestock bunk feeders, poultry brooder stoves, poultry nests and cages, poultry and livestock building ventilation equipment, chimney caps, poultry equipment, water softeners, water conditioning equipment, and big feeding equipment*, from the plant-

site of A. R. Wood Manufacturing Co., Luverne, Minn., to points in Ohio, Arkansas, Texas, Mississippi, Alabama, Georgia, and that part of Missouri lying south of U.S. Highway 24, under contract with A. R. Wood Manufacturing Co., Luverne, Minn. NOTE: Applicant holds common carrier authority under Docket MC 96323 and Sub 3, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak., or Minneapolis, Minn.

No. MC 124679 (Sub-No. 34), filed July 7, 1970. Applicant: C. R. ENGLAND & SONS, INC., 228 West Fifth South, Salt Lake City, Utah 84101. Applicant's representative: Daniel B. Johnson, 716 Perpetual Building, 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration (excluding commodities in bulk, in tank vehicles), from Cleveland and Solon, Ohio, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Vermont, Rhode Island, points in Pennsylvania on and east of U.S. Highway 15, and Washington, D.C. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant has contract carrier authority under MC 128813 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 124679 (Sub-No. 35), filed July 7, 1970. Applicant: C. R. ENGLAND & SONS, INC., 228 West Fifth South, Salt Lake City, Utah 84101. Applicant's representative: Daniel B. Johnson, 716 Perpetual Building, 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk); (1) from Gustine, Calif., to points in Michigan, West Virginia, Pennsylvania, New Hampshire, Indiana, Virginia, Rhode Island, Connecticut, Maine, Kentucky, Maryland, New Jersey, Massachusetts, Ohio, Delaware, New York, Vermont, and the District of Columbia; and (2) from Washington Court House, Ohio, to points in Minnesota, Iowa, Missouri, Louisiana, Wisconsin, Illinois, Mississippi, Michigan, Indiana, Kentucky, Tennessee, Oklahoma, Ohio, West Virginia, Pennsylvania, New York, Vermont, New Hampshire, Maine, Massachusetts, Rhode Island, New Jersey, Delaware, Maryland, the District of Columbia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Connecticut, Kansas City, Kans., and Omaha, Nebr., restricted to traffic moving in vehicles equipped with mechanical refrigeration. NOTE: Applicant states that no tacking or joiner is possible with authority now held or with that in pending applications, however applicant seeks authority to tack paragraphs (1) and (2) in this application. Applicant has contract carrier authority in MC 128813 and subs

thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 124692 (Sub-No. 70), filed July 6, 1970. Applicant: SAMMONS TRUCKING, a corporation, Post Office Box 933, Missoula, Mont. 59801. Applicant's representative: Richard Bebel, 2814 Cleveland Avenue North, St. Paul, Minn. 55113. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, from Kansas City, Mo., to points in Washington, Oregon, Idaho, Montana, Wyoming, and Utah. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Chicago, Ill., or Seattle, Wash.

No. MC 124701 (Sub-No. 5) (Amendment), filed May 25, 1970, published in the FEDERAL REGISTER issue of June 25, 1970, and republished as amended, this issue. Applicant: HAYWARD TRANSPORTATION, INC., Main Street, Fairlee, Vt. 05045. Applicant's representative: Frederick T. O'Sullivan, 372 Granite Avenue, Milton, Mass. 02186. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Boston and Braintree, Mass., to Barre, Bradford, Montpelier, Burlington, St. Johnsbury, and Stowe, Vt., and Berlin and Littleton N.H., under contract with Bradford Oil Co., Inc., Bradford, Vt. NOTE: Application is accompanied by a motion to dismiss. The purpose of this republication is to include the additional destination points of Stowe, Vt., and Littleton, N.H. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Montpelier, Vt.

No. MC 124796 (Sub-No. 66), filed July 6, 1970. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 1505 East Salt Lake Avenue, Post Office Box 1257, City of Industry, Calif. 91747. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Air conditioning equipment, furnaces, water heaters and component parts and accessories therefor, and materials, equipment, and supplies* utilized in the manufacture, sale and distribution of air conditioning equipment, furnaces, and water heaters, between points in Davidson County, Tenn., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under contract with Carrier Corp. Restriction: All restricted against the transportation of commodities in bulk or those which by reason of size or weight require the use of special equipment. All shipments to either originate or terminate at the plantsite or distribution facilities utilized by Carrier Corp., in Davidson County, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Syracuse, N.Y.

No. MC 124796 (Sub-No. 67), filed July 6, 1970. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 1505 East Salt Lake Avenue, Post Office Box 1257, City of Industry, Calif. 91747. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Air conditioning equipment, furnaces, water heaters, and component parts and accessories* for such items, from Syracuse, N.Y., to points in the United States in and east of North Dakota, South Dakota, Wyoming, Nebraska, Kansas, Oklahoma, Arkansas, and Louisiana (except Morrison and Collierville, Tenn., and except Indianapolis, Ind.); (b) *returned, rejected, or refused shipments of commodities specified in (a) above, and materials, supplies, and equipment* utilized in the manufacture, sale, and distribution area of the commodities specified in (a) above, from the destination area in (a) above to Syracuse, N.Y.; (c) *air filtering equipment* from Knoxville, Tenn., to points in Los Angeles County, Calif.; (d) *returned, rejected, or refused shipments of air filtering equipment*, from points in Los Angeles County, Calif., to Knoxville, Tenn.; (e) *air conditioning equipment, furnaces, water heaters, and components parts and accessories* for such items, from Memphis, Tenn., to points in the United States (except Alaska and Hawaii); and (f) *returned, rejected, or refused shipments of air conditioning equipment, furnaces, water heaters, and component parts and accessories* for such items, from points in the United States (except Alaska and Hawaii) to Memphis, Tenn., under contract with Carrier Corp., restricted against the transportation of commodities in bulk or those which by reason of size or weight require the use of special equipment. All shipments to either originate or terminate at the plantsites or warehouse facilities utilized by Carrier Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Syracuse, N.Y.

No. MC 125708 (Sub-No. 124), filed June 30, 1970. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., Highway 32 East, Crawfordsville, Ind. 47933. Applicant's representative: James W. Major (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*; (1) from Crawfordsville, Ind., to points in the United States in and east of Minnesota, Nebraska, Kansas, Oklahoma, and Texas (except Vermont, New Hampshire, and Maine); and (2) from points in the United States in and east of Minnesota, Nebraska, Kansas, Oklahoma, and Texas (except Vermont, New Hampshire, and Maine), to Crawfordsville, Ind. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125811 (Sub-No. 8), filed July 6, 1970. Applicant: JOHNNY BROWN'S, INC., 6801 Northwest 74th Avenue, Miami, Fla. 33166. Applicant's representative: Guy H. Postell, 3384 Peachtree Road NE., Suite 713, Atlanta, Ga. 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sheet and plate plastic material*, from Odenton, Md., and Lowell, Mass., to Atlanta, Ga., and points in Florida; and (2) *liquid adhesives and glue*, from Buffalo, N.Y., and Grove City, Ohio, to Atlanta, Ga., and points in Florida. Restriction: Service is to be performed solely for Atlantic Distributors of Miami, located at Miami, Fla. NOTE: Applicant states it already holds contract carrier permits under No. MC 125811 and Sub-5 authorizing service in the movement of these same commodities from various origins including Buffalo, N.Y., and Lowell, Mass., to specified points in Florida and Atlanta, Ga. The purpose of this application is to permit applicant to serve the same shipper from additional new supply points to the same and additional receiving points in Florida. Applicant now holds common carrier authority under its certificate No. MC 118282 and subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 127215 (Sub-No. 49), filed July 14, 1970. Applicant: KENDRICK CARTAGE CO., a corporation, Post Office Box 63, Salem, Ill. 62881. Applicant's representative: W. C. Kendrick (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, from Lawrenceville, Ill., to points in Iowa and Missouri (except St. Louis). NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127239 (Sub-No. 7), filed July 8, 1970. Applicant: UNIVERSAL BOW TRANSPORT, INCORPORATED, Concord Industrial Park, Concord, N.H. 03301. Applicant's representative: Francis E. Barrett, Jr., 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: Wax (except in bulk), from Beaumont, Tex., and Cicero, Ill., to Bow, N.H., and Fort Smith, Ark., under contract with Universal Packaging Corp., located at Bow, N.H. NOTE: If a hearing is deemed necessary, applicant requests it be held at Concord, N.H., or Boston, Mass.

No. MC 127746 (Sub-No. 3), filed July 13, 1970. Applicant: LOUIS-VENZIA, Bearmore Trailer Park, Post Office

Box 284, Belmar, N.J. 07719. Applicant's representative: Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic bags, plastic tubing, and sheeting, and new burlap in compressed rolls*, from plantsite of Packaging Products & Design Corp., Newark, N.J., to points in Alabama, Arizona, California, Florida, Georgia, Illinois, Indiana, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nevada, North Carolina, Ohio, Pennsylvania, South Carolina, Texas, Utah, Virginia, West Virginia, and Wisconsin, under contract with Packaging Products & Design Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 127812 (Sub-No. 7), filed July 6, 1970. Applicant: TYSON TRUCK LINES, INC., 185 Fifth Avenue SW., New Brighton, Minn. 55112. Applicant's representative: Anthony C. Vance, 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and nuts*, packaged, from St. Paul, Minn., to points in Minnesota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 128273 (Sub-No. 73), filed July 15, 1970. Applicant: MIDWESTERN EXPRESS, INC., Box 189, Fort Scott, Kans. 66701. Applicant's representative: Danny Ellis (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods and animal feed*, from points in California, Oregon, and Washington, to points in the United States (except Idaho, Utah, Arizona, Nevada, Hawaii, and Alaska). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. It further states it holds authority as a contract carrier under MC 133791, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Kansas City, Mo.

No. MC 128860 (Sub-No. 6), filed July 10, 1970. Applicant: LARRY'S EXPRESS, INC., 720 Lake Street, Tomah, Wis. 54660. Applicant's representative: Edward Solie, Executive Building, Suite 100, 4513 Vernon Boulevard, Madison, Wis. 53705. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, advertising materials, premiums, and malt beverage dispensing equipment*, when moving at the same time and in the same vehicle with malt beverages; (a) between Baltimore, Md., and Detroit, Mich.; and (b) from Detroit, Mich., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin under a continuing contract, or contracts, with The National

Brewing Co., Detroit, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 128860 (Sub-No. 7), filed July 14, 1970. Applicant: LARRY'S EXPRESS, INC., 720 Lake Street, Tomah, Wis. 54660. Applicant's representative: Edward Solie, Executive Building, Suite 100, 4513 Vernon Boulevard, Madison, Wis. 53705. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Soy flour, corn flour, delactosed whey, and dry milk products*, from points in Illinois, Iowa, Minnesota, and Wisconsin to Louisville, Ky.; (2) *casein*, from New York, N.Y., Newark, Port Elizabeth, and Pennsauken, N.J., Philadelphia, Pa., and New Orleans, La., to Louisville, Ky.; and (3) *dry milk products blended with soy flour, corn flour, delactosed whey, casein and caseinate*, from Louisville, Ky., to points in the United States east of the eastern boundaries of Montana, Wyoming, Colorado, and New Mexico, under a continuing contract or contracts with Dry Milks, Inc., of Louisville, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 128988 (Sub-No. 9), filed July 6, 1970. Applicant: JO/KEL, INC., Post Office Box 22265, Los Angeles, Calif. 90022. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Furnaces, heating, and air-conditioning equipment, and component parts and accessories therefor*, from Los Angeles, Calif., to points in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, and to Denver, Colo., and Albuquerque, N. Mex.; (2) *materials, supplies, and equipment utilized in the distribution and sale of the commodities named in (1) above, from the destination area specified in (1) above to Los Angeles, Calif.*; (3) *ironing boards and housewares*, from Seymour, Ind., to Los Angeles, Calif.; (4) *furniture hardware* from Simpsonville, Ky., to Los Angeles, Calif.; (5) *office furniture and equipment*, from Kalamazoo, Mich., to Los Angeles, Calif.; and (6) *radios, television sets, and high fidelity record players*, from New York City, N.Y., to Los Angeles, Calif., under contract with Lear Siegler, Inc. Restriction: All restricted against the transportation of commodities in bulk or those which by reason of size or weight require the use of special equipment. All shipments to originate or terminate at the plantsite and warehouse facilities of Lear Siegler, Inc., at Los Angeles, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 133574 (Sub-No. 6), filed June 22, 1970. Applicant: TERRILL TRUCKING COMPANY, a corporation, 1016 Geneseo Street, Storm Lake, Iowa 50588. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts, and*

articles distributed by meat packing houses, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Mason City, Iowa, and Omaha, Nebr., to points in Alabama, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Minneapolis, Minn.

No. MC 133814 (Sub-No. 7), filed July 6, 1970. Applicant: E. E. CARROLL, doing business as CARROLL TRUCKING COMPANY, 3533 Audubon Road, Montgomery, Ala. 36111. Applicant's representative: R. Connor Wiggins, Jr., Suite No. 909, 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick, clay products, reinforced and unreinforced concrete blocks, concrete silos and articles used in the installation and erection thereof, scrap metal, and used building materials and related articles*, between Adel, Ga., and points in Alabama, on the one hand, and, on the other, points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Montgomery, Ala.

No. MC 133977 (Sub-No. 5), filed July 6, 1970. Applicant: GENE'S, Inc., 302 Maple Lane, Arcanum, Ohio 45304. Applicant's representative: David L. Pemberton, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glassware*, from Greenville, Ohio, to Winchester, Ky., restricted to the transportation of lenses, reflectors, and lamps; and (2) *skids, pallets, and packing materials* used in the transportation of the above-specified commodities, from Winchester, Ky., to Greenville, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 134156 (Sub-No. 1) (Amendment), filed June 18, 1970, published in FEDERAL REGISTER issue of July 9, 1970, amended July 9, 1970, and republished as amended this issue. Applicant: JOSEPH D. LEONARD, doing business as JOSEPH D. LEONARD TRUCKING CO., 504 McCellen Street, Post Office Box 271, Bluff City, Tenn. Applicant's representative: Morris Honig, 140 Broadway, New York, N.Y. 10038. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used clothing*, from points in Nassau and Suffolk Counties, N.Y., to McAllen, El Paso, and Laredo, Tex. NOTE: Applicant states that the requested authority cannot be tacked with its existing au-

thority. The purpose of this republication is to redescribe the authority sought. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 134323 (Sub-No. 4), filed July 7, 1970. Applicant: JAY LINES, INC., Post Office Box 1644, 6210 River Road, Amarillo, Tex. 79109. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packing-houses as described by the Commission, from the plantsite and storage facilities used by Missouri Beef Packers, Inc., at or near Plainview, Amarillo, and Cactus, Tex., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin*, under continuing contract with Missouri Beef Packers, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Amarillo or Dallas, Tex., or Lincoln, Nebr.

No. MC 134323 (Sub-No. 5), filed July 13, 1970. Applicant: JAY LINES, INC., 6210 River Road, Amarillo, Tex. 79108. Applicant's representative: Duane Acklie, 521 South 14th Street, Lincoln, Nebr., 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magazines, periodicals, printed matter, and advertising display materials*, from the plantsite and warehouse facilities utilized by Triangle Publications, Inc., at or near Philadelphia, Pa., to points in Missouri, Kansas, Arkansas, Louisiana, Texas, Oklahoma, New Mexico, Arizona, Colorado, Utah, and Memphis, Tenn., under contract with Triangle Circulation Co., a division of Triangle Publications, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Dallas, Tex.

No. MC 134367 (Sub-No. 2), filed June 29, 1970. Applicant: VAN WINKLE TRUCKING, INC., 1040 Troy-Schenectady Road, Latham, N.Y. 12110. Applicant's representative: Donald C. Carmien, Suite 500, O'Neil Building, Binghamton, N.Y. 13901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, restricted to immediate prior or subsequent movement by air, between Albany County Airport on the one hand, and, points in Warren, Fulton, Montgomery, Saratoga, Washington, Schenectady, Rensselaer and Albany Counties, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 134414 (Sub-No. 2), filed July 9, 1970. Applicant: FRANCIS MOONEY TRUCKING, INC., Post Office Box 441, Dillon, Mont. 59725. Applicant's representative: J. F. Meglen, Post Office Box 1581, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas*; and (2) *fresh fruit and vegetables*, in mixed shipments, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles at the same time with (1) above, from points in Long Beach and Los Angeles, Calif., and Seattle, Wash., to ports of entry on the international boundary line between the United States and Canada located at or near Sweetgrass, Mont. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 134433 (Sub-No. 1), filed July 10, 1970. Applicant: FRITZ-WAY MESSENGER SERVICE, INC., 9561 Bervyn, Rosemont, Ill. 60018. Applicant's representative: Eugene L. Cohn, 1 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cosmetics, toilet preparations, toilet articles, drugs, cleaning, scouring and washing compounds, soap powder, soap, clothing, toys, greeting cards, and premiums and prizes*; (2) *materials, equipment, and supplies* used in connection with commodities described in item (1) above; and (3) *returned shipments* of commodities described in items (1) and (2) above, between points in Indiana embraced within an area commencing at the Indiana-Illinois State line along U.S. Highway 30 to junction Indiana Highway 15, thence north on Indiana Highway 15 to the Indiana-Michigan State line, including points on the indicated highways, points in Michigan embraced within an area commencing at Ludington, Mich.; thence along U.S. Highway 10 to junction Michigan Highway 25; thence along Michigan Highway 25 to junction U.S. Highway 94; thence along U.S. Highway 94 to junction U.S. Highway 75; thence along U.S. Highway 75 to the Michigan-Ohio State line, including points on the indicated highways, points in Ohio embraced within an area commencing at the Ohio-Indiana State line; thence along U.S. Highway 224 to junction U.S. Highway 30; thence along U.S. Highway 30 to junction U.S. Highway 30N; thence along U.S. Highway 30N to junction U.S. Highway 30; thence along U.S. Highway 30 to junction Ohio Highway 60; thence along Ohio Highway 60 to junction Ohio Highway 58; thence along Ohio Highway 58 to Lorain, Ohio, including points on the indicated highways. Restriction: The above-described operations are limited to a transportation service to be performed under a continuing contract, or contracts, with Avon Products, Inc. NOTE: Common control may be involved. If a hearing is deemed

necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 134518 (Sub-No. 2), filed July 13, 1970. Applicant: CHEESE HAULING, INC., Post Office Box 138, Stitzer, Wis. 53825. Applicant's representative: Michael J. Wyngaard, 125 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and materials, equipment, and supplies* used in the manufacture of cheese, between Webster, and Timberlake, S. Dak.; Selfridge, Wishek, Bismarck, and Harvey, N. Dak.; on the one hand, and, on the other, Richland Center, Viroqua, Boscobel, Cobb, La Farge, Spring Green, and Dodgeville, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 134626 (Sub-No. 1) (Correction), filed June 15, 1970, published in the FEDERAL REGISTER issue of July 23, 1970, and republished as corrected this issue. Applicant: F. W. MAC CO., a corporation, Municipal Airport, Des Moines, Iowa 50317. Applicant's representative: Russell H. Wilson, Suite 200, 3839 Merle Hay Road, Des Moines, Iowa 50310. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* having a prior or subsequent movement by air; (1) between Des Moines Municipal Airport, Des Moines, Iowa, on the one hand, and, on the other, Ames, Nevada, Boone, Jefferson, Webster City, Fort Dodge, and Creston, Iowa; (2) between Cedar Rapids Municipal Airport, Cedar Rapids, Iowa, and Monticello, Iowa; (3) between Quad Cities Airport, Moline, Ill., on the one hand, and, on the other, Clinton and Muscatine, Iowa; and Kewanee and Galesburg, Ill.; (4) between Galva, Ill., and Quad City Airport in Moline, Ill.; and (5) between Neponset, Ill., and Quad City Airport in Moline, Ill. NOTE: The purpose of this republication is to reflect the restriction as "having a prior or subsequent movement by air." If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 134688 (Sub-No. 1), filed July 9, 1970. Applicant: OPAL TRANSPORTATION, INC., Post Office Box 165, Landis Avenue, Rosenhay, N.J. 08352. Applicant's representative: Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe, fittings, gaskets, and tools*, in connection therewith, from Bridgeton, N.J., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, Washington, D.C., and points in New Jersey as defined in New York Harbor Area under contract with Jersey-Tyler Foundry Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 134713 (Sub-No. 1), filed July 8, 1970. Applicant: WILLIAM S. SMITH AND THOMAS A. ALBER, a partnership, doing business as T. A. S., 849 Sixth Street, Secaucus, N.J. 07094. Applicant's representative: Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Animal feed*, in bulk, in shipper's trailers, from the plantsite of Rozansky Feed Co., Secaucus, N.J., to points in Connecticut, Delaware, Massachusetts, Maryland, New York, North Carolina, Pennsylvania, Vermont, and Virginia; and (b) *bakery waste*, in bulk, in shipper's trailers, from Horseheads, N.Y., and Philadelphia, Pa., to the plantsite of Rozansky Feed Co., Secaucus, N.J., under contract with Rozansky Feed Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 134729 (Sub-No. 1), filed July 6, 1970. Applicant: TIMBER TRUCKING, INC., 145 West Central Avenue, Salt Lake City, Utah 84107. Applicant's representative: Irene Warr, Suite 419, Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, lumber, and lumber mill products*, between points in California, Oregon, Washington, Idaho, Nevada, Utah, Colorado, Wyoming, Montana, Arizona, and New Mexico under contract with Davidson Lumber Sales, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 134764, filed July 9, 1970. Applicant: A B C MOVING AND STORAGE, INC., 2102 South Third Drive, Phoenix, Ariz. 85003. Applicant's representative: Clyde E. Herring, 320 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Interstate Commerce Commission, between points in the counties of Yavapai, Maricopa, Gila, Pinal, and that portion of Pima County west of the Papago Indian Reservation in Arizona, restricted to the transportation of traffic having a prior or subsequent movement in containers beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., or Seattle, Wash.

No. MC 134766, filed July 10, 1970. Applicant: HAROLD E. LOWMAN AND FAYE STANLEY, a partnership, doing business as H AND F TRUCKING, Ellijay, Ga. 30540. Applicant's representative: Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes,

transporting: *Plastic bags, plastic tubing, and sheeting, and new burlap* in compressed rolls, from the plantsite of Packaging Products & Design Corp., Newark, N.J., to points in Alabama, Delaware, Florida, Georgia, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Washington, D.C., under contract with Packaging Products & Design Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

MOTOR CARRIERS OF PASSENGERS

No. MC 109736 (Sub-No. 33), filed July 6, 1970. Applicant: CAPITOL BUS COMPANY, a corporation, 1061 South Cameron Street, Post Office Box 1463, Harrisburg, Pa. Applicant's representative: James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in special operations, in sightseeing or pleasure tours, beginning and ending at points in Adams, Cumberland, Dolphin, Lebanon, Berks, Montgomery, Schuylkill, Carbon, Luzerne, Lackawanna, Wyoming, Susquehanna, and Bradford Counties, Pa.; and Schemung, Broome, and Tioga Counties, N.Y., and extending to points in the United States, including Alaska (except Hawaii). Restriction: Service is not authorized between points in Lackawanna County, Pa., and those points in Luzerne County, Pa., north of Interstate Highway 80, on the one hand, and, on the other, points in New Jersey and those points in New York within the New York, N.Y., commercial zone as defined by the Commis-

sion in 61 M.C.C. 9. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 134415 (Sub-No. 2), filed July 13, 1970. Applicant: PERDUE FOODS, INC., Box 1537, Salisbury, Md. 21801. Applicant's representative: Alfred Lynch, % Perdue Foods, Inc. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special operations, from points in Northampton and Accomack Counties, Va., to Perdue Foods, Inc., Salisbury, Md., and return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salisbury, Md.

APPLICATION OF WATER CARRIERS

No. W-390 (Sub-No. 8) (WARRIOR & GULF NAVIGATION COMPANY—Extension—Alabama River), filed July 20, 1970. Applicant: WARRIOR & GULF NAVIGATION COMPANY, Post Office Box 11397, Chickasaw, Ala. 36611. Applicant's representative: M. Spalding Toon, Four Gateway Center, Pittsburgh, Pa. Application of Warrior & Gulf Navigation Co., filed July 20, 1970, for a revised permit authorizing extension of its operations under W-390 as a *contract carrier* by water, in interstate or foreign commerce in the transportation of *property* to cover the following proposed changes in routes: To add to Permit No. W-390 authority to transport the commodities now listed in Permit No. W-390 over additional route, to wit: (1) Between ports and points located on the Alabama and Coosa Rivers and their tributaries to the projected head of navigation at Rome, Ga.; and (2) between

ports and points specified in (1), on the one hand, and, on the other, ports and points which applicant is presently authorized to serve pursuant to its Sixth Amended Permit No. W-390.

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 29910 (Sub-No. 89), filed July 10, 1970. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. 72901. Applicant's representative: Thomas Harper, Post Office Box 43, Kelley Building, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment or injurious or contaminating to other lading), between Cincinnati, Ohio, and Memphis, Tenn., from Cincinnati over Interstate Highway 71 to Louisville, Ky., thence over Interstate Highway 65 to junction Interstate Highway 40 at Nashville, Tenn., thence over Interstate Highway 40 to Memphis, Tenn., and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, in connection with carrier's otherwise certificated routes.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70-9745; Filed, July 29, 1970; 8:45 a.m.]

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